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ABSTRACT

This booklet provides a behavioral analysis of child molesters. The terms child molesters and pedophiles are defined and distinctions are drawn between the two. The second section develops a law enforcement typology differing from those of mental health professionals, focusing on pre-arrest behavior or pre-identification behavior of child molesters that is of most value to law enforcement. The third section focuses on the law enforcement investigation, including combination offenders, sex rings, incest cases, female offenders, and adolescent offenders. The fourth section focuses on recognizing and identifying the highly predictable sexual behavior patterns of pedophiles or preferential child molesters. The fifth section focuses on collection of pornography and erotica, since pedophiles almost always collect it. The sixth section focuses on behavior of the offender after identification. The seventh section focuses on four major problems that make the investigation of child sexual abuse and exploitation difficult for law enforcement officers and the criminal justice system. A discussion of considerations in obtaining and using expertise search warrants in cases of preferential child molesters is given. A bibliography is included. (ABL)

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NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN™

Child Molesters: A Behavioral Analysis

For Law-Enforcement Officers Investigating Cases of Child Sexual Exploitation

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Child Molesters: A Behavioral Analysis

For Law-Enforcement Officers Investigating Cases of Child Sexual Exploitation

April 1987
Second Edition

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A version of this book will be published in *Practical Aspects of Rape Investigation: A Multi-Disciplinary Approach*, edited by Robert R. Hazelwood and Ann W. Burgess (New York: Elsevier, 1987).

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Foreword

Much valuable law-enforcement training work is being done by the FBI Academy and National Academy, the Federal Law-Enforcement Training Center, and the National Center for Missing and Exploited Children. In fact, the National Center alone has trained over 17,000 officers in 39 states. Nonetheless, there is still a critical need in law-enforcement for information and publications on specific investigative topics. Since its inception the National Center for Missing and Exploited Children has published and distributed free of charge over 120,000 copies of two such publications: *Parental Kidnapping* and the *Investigator's Guide to Missing Child Cases*.

In February 1987 the National Center for Missing and Exploited Children published a companion text to this book, entitled *Interviewing Child Victims of Sexual Exploitation*, written by Lt. William Spaulding of Louisville, Kentucky. Mr. Spaulding has written a basic guide for patrol officers and generalist detectives in interviewing children who are victims of sexual exploitation. Of particular note in that text is an important chapter on obtaining and using expertise search warrants in cases of preferential child molesters—which is also included in this book.

Currently, a prime mission is to extend the facilities of the National Center to the law-enforcement practitioner community for the purpose of publishing short books or monographs on sexually exploited children or pedophiles—particularly as these subjects relate to the missing child phenomenon. Our aim is to merge various Department of Justice initiatives for proactive marketing in order to expand the practical effect of all our efforts.

The link between missing and sexually exploited children is a strong one. For example, from July 1980 through February 1984, the police/social work team of the Louisville/Jefferson County Exploited and Missing Child Unit (EMCU) in Kentucky investigated approximately 1,400 cases of children suspected of being victims of sexual exploitation. A full 54% (756) of the children were found to be victims and an additional 31% (434) of the children were considered probable victims. During this time period the EMCU prosecuted hundreds of adults for various crimes involving the sexual exploitation of children. Over 40 major cases resulted in the successful prosecution of adults involved with over 12 children each.

Even though the EMCU was reputed to be the national model of investigations in sexually exploited children by the end of the third year of work, such was only to demonstrate an effective "ambulance service at the base of the cliffs." A new approach was needed. As a *proactive* effort for the early intervention into this cycle of sexual exploitation, the EMCU team began handling all missing child cases in Jefferson County, Kentucky, in January 1983. Now the EMCU began to "build fences at the top of the cliffs."

The data developed on the first 830 missing children indicated that approximately 10% of the missing child population was exploited while missing. Data further indicated that up to 85% of these commercially exploited children were missing at the time of the exploitation offense.

The EMCU handling of missing child cases functioned as an early warning system for cases needing child protective services, counseling, or law-enforcement services—all of which are vital for the successful detection, investigation, arrest, and prosecution of adults in child sexual exploitation.

Information gained through interviews, always both investigatory and therapeutic, kept team members very much aware of street activ-

ity, identified havens for missing youth, and allowed team members to "burn bridges" to hazardous environments and endangering adults before the child could become sexually exploited. New investigatory techniques and methodologies were developed and refined with an absolute ethic (and policy) that youth were *never* to be used in any endangering capacity nor allowed to volunteer to do so to further investigation. This background experience clearly indicated that the status itself of being *missing* (runaway, homeless, abducted, etc.) is a very large window for entrance into child sexual exploitation.

Furthermore, the *cycle of violence* (*see* "Appendix," page 57) now appears as beginning with child abuse within the family and extending to missing child episodes that present the arena for exploitation of the child. With maturation, the adult—abused as a child—becomes the abuser or exploiter. While there has been activity in social services research and analysis of the nature of and effects on child victims of sexual exploitation, law-enforcement has been found wanting for reliable information on the nature of the behavior and emotional patterns of child molesters to assist in their detection and apprehension.

Any criminal behavior that appears consistently and universally must be recognized as having high predictive and preventative value for law-enforcement and child protective services. Of critical importance is the complexity of the dynamics, typology, and investigative handling of *child molesters*—a label not always synonymous with *pedophile*. Supervisory Special Agent Kenneth V. Lanning of the Behavioral Science Unit at the FBI Academy has provided formative research and analysis of this topic and, most important, tailored the approach to be of extreme practical importance to law-enforcement investigators.

Law-enforcement is charged with the detection and observation of acts and behaviors that are violations of the law for which the child molester can be charged and from which children must be protected. While psychiatric labels fall far short of being useful to the investigator, Mr. Lanning's typology offers a construct for investigators that provides insight and guidance in *practicing* child protection—not just labeling it for treatment. The ability to understand and recognize the behavior of child molesters *before* their arrest or identification is a prime weapon for the investigator handling cases of sexual abuse or exploitation. If investigators can better understand *how* and *why* molesters have sex with children, child protection officials are in a much better position to detect, identify, arrest, convict, and obtain sentencing that truly deters these horrid crimes. Such should also lead to another prime motive for law-enforcement—proving a case without necessitating the use of children for testimony in the court itself.

Mr. Lanning has provided us with an excellent and useful treatment of the nature of child molesters as unique individuals with highly specific and observable criminal behavior. Not all child molesters are the same. Stereotypes must be avoided. Mr. Lanning has provided us the framework for an acute understanding and recognition of the behavioral patterns that should enable investigators to function at a much higher level of professionalism.

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Technical Assistance
NCMEC

1. Definitions of Terms

Child Molesters

The term *child molester* is fairly common and is used by professionals and nonprofessionals alike, including law-enforcement officers. Although *Webster's New World Dictionary* defines *molest* as "annoy, interfere with, or meddle with so as to trouble or harm," when combined with the word *child*, it has generally come to convey sexual abuse of some type.

In spite of its common usage, it is surprising how many different images and variations of meanings the term child molester has for different individuals. For many, it brings to mind the image of the dirty old man in a wrinkled raincoat hanging around a school playground with a bag of candy, waiting to lure little children. For some, the child molester is a stranger to his victim and not a father having sex with his daughter. For others, the child molester is one who exposes himself to or fondles children without engaging in vaginal or anal intercourse. Still others believe the child molester is a nonviolent offender. Dr. A. Nicholas Groth, one of the leading experts on sexual victimization of children, differentiates between nonviolent child molesters who coax or pressure the child into sexual activity and violent child rapists who overpower or threaten to harm their victims (*see* "Bibliography"). Most would probably not apply the term child molester to a man who utilizes the services of an adolescent prostitute. For law-enforcement officers, the term child molester is more likely to conform to a legal definition of sexual molestation set forth in the penal code.

For the purposes of this book, a *child molester* will be defined as a significantly older individual who engages in any type of sexual activity with individuals legally defined as children. When using the term child molester, no distinctions will be made between male or female, single or repeat offenders, or violent or nonviolent offenders. No distinctions will be made as to whether the child victims are prepubescent or pubescent, known or unknown, related or unrelated to the offender. Finally, no distinctions will be made based on the type of sexual activity engaged in by the offender. Although such distinctions may have important legal and evaluation significance, they have no bearing on whether or not an individual is labeled a child molester. For law-enforcement purposes, a child molester is simply an individual who engages in illegal sexual activity with children.

Pedophiles

Although the use of the term child molester is commonplace, recent publicity and awareness concerning sexual abuse of children has resulted in the frequent use of the term *pedophile*. At one time this term was almost exclusively used by psychologists and psychiatrists. Dr. Groth's categorization defines a child molester as having a sexual attraction toward pre-pubertal children (*pedophilia*) or sexual attraction toward pubertal children (*hebephilia*). The term *hebephile* is rarely used today, but the media now routinely refer to those who sexually abuse children as *pedophiles*. This term is also being used more and more by law-enforcement personnel. It has even entered their slang usage—with some officers talking about investigating a "pedo case" or being assigned to a "pedo squad."

The *Diagnostic and Statistical Manual of Mental Disorders (DSM III)* of the American Psychiatric Association defines *pedophilia* as "the act or fantasy of engaging in sexual activity with *pre-pubertal* children as a repeatedly preferred or exclusive method of achieving sexual excitement" (*see* "Bibliography"). There

are several criteria in this definition that must be emphasized. First, it mentions both the *act* and the *fantasy* of engaging in sexual activity. Second, it refers to this sexual activity as occurring with *pre-pubertal* children. Third, it states that this activity is the *preferred* or *exclusive* method of achieving sexual excitement. In *DSM III* pedophilia is classified as a *paraphilia*, one of the psychosexual disorders. Technically, pedophilia is a psychiatric diagnosis that can only be made by qualified psychologists or psychiatrists. Therefore, the word *pedophile* is a diagnostic term, not a legal one.

Its increasing use has, however, to some degree brought this term outside the exclusive purview of psychiatric diagnosis. Just as someone can refer to another as being "paranoid" without implying a psychiatric diagnosis or assuming psychiatric expertise, a social worker, prosecutor, or law-enforcement officer can refer to an individual who has sexually victimized a child as a pedophile. *Webster's New Collegiate Dictionary* contains a good layman's definition for *pedophilia*: "sexual perversion in which children are the preferred sexual object." For the purposes of this book, a pedophile will be defined as a significantly older individual who *prefers* to have sex with individuals legally considered children. The pedophile is one whose sexual fantasies and erotic imagery focus on children.

It is important to realize that to refer to someone as a pedophile is to say only that the individual has a sexual preference for children. It says little or nothing about the other aspects of his character and personality. To assume that someone is not a pedophile simply because he is nice, goes to church, works hard, is kind to animals, and so on, is absurd. Pedophiles span the full spectrum from saints to monsters. In spite of this fact, over and over again pedophiles are either not charged or not sent to prison—simply because they are "nice guys."

It is also important to recognize that, while pedophiles *prefer* to have sex with children, they can and do have sex with adults. Adult sexual relationships are more difficult for some pedophiles than for others. Some pedophiles have sex with adults as part of their effort to gain or continue their access to preferred children. For example, one might have occasional sex with a single mother to insure continued access to her children. (*See also* "Additional Reading.")

Important Distinctions for Law-Enforcement

What, then, is the difference between a child molester and a pedophile? For many the terms have become synonymous. The media frequently make no distinction and use the terms interchangeably. Labeling all child molesters as pedophiles is, however, confusing. There are clear differences between the types of individuals who sexually abuse children, and law-enforcement officers handling these cases need to make such distinctions.

Are all pedophiles child molesters? No. A child molester is an individual who sexually molests children. A person might have a sexual preference for children and might fantasize about having sex with them. That person is a pedophile. But if he does not act out, then he is not a child molester. Some pedophiles might act out their fantasies in legal ways by engaging in sexual activity with adults who look (small stature, flat chested, no body hair), dress, or act (immature, baby talk) like children. Others may act out child fantasy games with adult prostitutes. It is almost impossible to estimate how many pedophiles exist who have never molested a child. What society can or should do with regard to such individuals is an interesting area for discussion but beyond the role of law-enforcement. People cannot be arrested for their fantasies.

Are all child molesters pedophiles? No. A pedophile is an individual who prefers to have sex with children. A person who prefers to have sex with an adult partner may, for any number of reasons, decide to have sex with a child. Such reasons might include simple availability, curiosity, or a desire to hurt a loved one of the molested child. The sexual fantasies of such individuals do not necessarily focus on children, and these people are not pedophiles.

Many child molesters are, in fact, pedophiles, and many pedophiles are child molesters. But they are not necessarily one and the same. The law-enforcement officer might argue that it is his job to arrest individuals who

violate the law and that whether or not that offender is a pedophile is of no importance to him. Distinctions between the types of child molesters, however, can have important and valuable implications for the law-enforcement investigation of child sexual abuse.

This book will set forth a model for law-enforcement that divides child molesters into two broad categories and several patterns of behavior. These categories are not intended for use by mental health professionals or clinicians. They are intended for use by law-enforcement officers and prosecutors in developing the evidence needed to identify, arrest, and convict child molesters. If the investigating officer already has enough evidence to convict a child molester, then it may be of small importance whether the molester is a pedophile or not. But if the investigator is still attempting to develop incriminating evidence, such distinctions can be invaluable. Even if there is enough evidence to convict a child molester, the fact that a molester is a pedophile could still be important in evaluating the potential for additional victims.

Fixated and Regressed Molesters

Probably the most commonly used typology for child molesters today is the one developed by Dr. Groth, who classifies sexual offenders against children into two groups on the basis of whether this involvement constitutes a persistent pattern (a *fixation*) or a new activity or change (a *regression*) in their sexual orientations or lifestyles. Dr. Groth further explains that the Fixated Child Molester is one "whose primary sexual orientation is towards children," and the Regressed Child Molester is one "whose sexual involvement with a child is a clear departure, under stress, from a primary sexual orientation towards agemates." In essence, Dr. Groth's Fixated Child Molester prefers children for sexual partners and identifies closely with them. The Regressed Child Molester prefers agemates for sexual partners but, because of some precipitating stress in his life, he substitutes a child for the troubled adult relationship (*see* "Bibliography").

2. A Law-Enforcement Typology

Too often the terms *child molester* and *pedophile* are used to mean the same thing. In fact, not all child molesters are pedophiles, and there is a clear need for a law-enforcement typology to clear up the confusion. Law-enforcement has frequently accepted offender categories and characteristics developed by therapists and criminologists. These typologies, however, primarily serve the needs of mental health professionals and have limited application to those of law-enforcement. These typologies are usually developed from data collected *from* offenders *after* arrest or conviction and often reflect unsubstantiated information about pre-arrest behavior. It is the pre-arrest or pre-identification behavior of child molesters that is of most value to law-enforcement.

Needs of Law-Enforcement

Child sexual abuse cases can be difficult to prove. Frequently there is only the word of a child against that of an adult. Many factors combine to make it difficult and possibly traumatic for children to testify in court. In spite of some recent advances that make testimony easier for the child victim or witness, an important objective of every investigation of child sexual abuse should be to prove the case without resorting to the courtroom testimony of the child.

The child victim should be carefully interviewed. The information obtained should be evaluated and assessed, and appropriate investigative action should be taken. The investigator, however, should proceed as though he had information about a crime from a reliable source whose identity cannot be revealed. He knows what happened, and now he must prove it without the testimony of the child. This may not always be possible, but it should be the investigative goal. Many children can testify in court if necessary.

One way to avoid child victim testimony is to avail yourself of other evidence that might help prove the case. Frequently there is more evidence available than the investigator realizes. Much of this evidence can be identified and located only if the investigator has a solid understanding of offender behavior patterns and the kinds of child molesters.

Kinds of Child Molesters

In another typology, Dr. Park Elliot Dietz divides individuals who sexually molest children into two broad categories: *situational* and *preferential* (*see* "Bibliography"). This is of great practical use to law-enforcement. The purpose of the typology being set forth in this book is not to gain insight or understanding about *why* child molesters have sex with children in order to help or treat them, but to recognize and evaluate *how* child molesters have sex with children in order to identify, arrest, and convict them. What evidence to look for, whether there are additional victims, how to interview a suspect, and so on, depend on the type of child molester involved.

Situational Child Molesters

The Situational Child Molester does not have a true sexual preference for children, but engages in sex with children for varied and sometimes complex reasons. For such a child molester, sexuality with children may range from a "once-in-a-lifetime" act to a long-term pattern of behavior. The Situational Child Molester usually has fewer numbers of different child victims. Other vulnerable individuals, such as the elderly, sick, or the disabled, may

also be at a risk of sexual victimization by him or her. For example, the Situational Child Molester who sexually abuses children in a day-care center might leave that job and begin to sexually abuse elderly people in a nursing home. It is the author's undocumented opinion that the number of Situational Child Molesters is larger and increasing faster than that of Preferential Child Molesters. Within this category at least four major patterns of behavior emerge (*see also* Table 1 on page 8).

Regressed Such an offender usually has low self-esteem and poor coping skills; he turns to children as a sexual substitute for the preferred peer sex partner. His main victim criterion seems to be availability, which is why many of these offenders molest their own children. His principal method of operation is to coerce the child into having sex. This type of Situational Child Molester may or may not collect child or adult pornography.

Morally Indiscriminate In the author's experience, this is a growing category of child molesters. For this individual, the sexual abuse of children is simply part of a general pattern of abuse in his life. He is a user and abuser of people. He abuses his wife, friends, coworkers. He lies, cheats, or steals whenever he thinks he can get away with it. He molests children for a simple reason: "Why not?" His primary victim criteria are vulnerability and opportunity. He has the urge, a child is there, and so he acts. He typically uses force, lures, or manipulation to obtain his victims. Although his victims frequently are strangers or acquaintances, it is important for the investigator to realize that his victims can also be the offender's own children. The incestuous father or mother might be the morally indiscriminate offender. He frequently collects detective magazines or adult pornography of a sadomasochistic nature. He may collect some child pornography, especially that which depicts pubescent children.

Sexually Indiscriminate This pattern of behavior is the most difficult to define. Although the previously described morally indiscriminate offender often is a sexual experimenter, this individual differs in that he appears to be discriminating in his behavior except when it comes to sex. He is the "try-sexual"—willing to try anything sexual. Much of his behavior is similar to the Preferential Child Molester. While he may have clearly defined paraphilic or sexual preferences—bondage or sadomasochism, etc.—however, he has no real sexual preference for children. His basic motivation is sexual experimentation, and he has sex with children out of boredom. His main criteria for such children are that they are new and different, and he involves children in previously existing sexual activity. Again, it is important to realize that these children may be his own. Such an individual may also provide his children to other adults as part of group sex, a spouse-swapping activity, or even as part of some bizarre ritual. Of all Situational Child Molesters, he is by far the most likely to collect pornography and erotica. Child pornography will only be a small portion of his potentially large and varied collection, however.

Inadequate This pattern of behavior is also difficult to define and includes those suffering from psychoses, eccentric personality disorders, mental retardation, and senility. In layman's terms he is the social misfit, the withdrawn, the unusual. He might be the shy teenager who has no friends of his own age or the eccentric loner who still lives with his parents. Although most such individuals are harmless, some can be child molesters and, in a few cases, even child killers. This offender seems to become sexually involved with children out of insecurity or curiosity. He finds children to be nonthreatening objects with whom he can explore his sexual fantasies. The child victim could be someone he knows or a random stranger. In some cases the victim might be a specific "stranger" selected as a substitute for a specific adult (possibly a relative of the child) whom the offender is afraid of approaching directly. Often his sexual activity with children is the result of built-up impulses. Some of these individuals find it difficult to express anger and hostility, which then builds until it explodes—possibly against their child victim. Because of mental or emotional problems, some might take out their frustration in cruel sexual torture. His victims, however, could be among the elderly as well as children—anyone who appears helpless at first

sight. He might collect pornography, but it will most likely be of adults.

Almost any child molester is capable of violence or even murder to avoid identification. In spite of a few notable exceptions, however—Theodore Frank in California and Gary Arthur Bishop in Utah—most of the sexually motivated child murders profiled and assessed by the FBI Behavioral Science Unit have involved Situational Child Molesters, especially the morally indiscriminate and inadequate patterns of behavior. Sadistic and morally indiscriminate Preferential Molesters (pedophiles) who kill will be discussed later in this chapter.

Preferential Child Molesters

The Preferential Child Molesters have a definite sexual preference for children. Their sexual fantasies and erotic imagery focus on children. They have sex with children not because of some situational stress or insecurity but because they are sexually attracted to and prefer children. They can possess a wide variety of character traits but engage in highly predictable sexual behavior. Although they may be smaller in number than the Situational Child Molesters, they have the potential to molest large numbers of victims. For many of them, their problem is not only the nature of their sex drive (attraction to children) but also the quantity (need for frequent and repeated sex with children). Within this category at least three major patterns of behavior emerge (*see also* Table 2 on page 8).

Seduction This pattern characterizes the offender who engages children in sexual activity by "seducing" them—courting them with attention, affection, and gifts. Just as one adult courts another, the pedophile seduces children over a period of time by gradually lowering their sexual inhibitions. Frequently his victims arrive at the point where they are willing to trade sex for the attention, affection, and other benefits they receive from the offender. Many of these offenders are simultaneously involved with multiple victims, operating what has come to be called a child sex ring. This may include a group of children in the same class at school, in the same scout troop, or in the same neighborhood. The characteristic that seems to make this individual a master seducer of children is his ability to identify with them. He knows how to talk to children—but, more important, he knows how to listen to them. His adult status and authority is also an important part of the seduction process. In addition, he frequently selects as targets children who are victims of emotional or physical neglect. The biggest problem for this child molester is not how to obtain child victims but how to get them to leave after they are too old. This must be done without the disclosure of the "secret." Victim disclosure often occurs when the offender is attempting to terminate the relationship. This child molester is most likely to use threats and physical violence to avoid identification and disclosure.

Introverted This pattern of behavior characterizes the offender who has a preference for children but lacks the interpersonal skills necessary to seduce them. Therefore, he typically engages in a minimal amount of verbal communication with his victims and usually molests strangers or very young children. He is like the old stereotype of the child molester in that he is more likely to hang around playgrounds and other areas where children congregate, watching them or engaging them in brief sexual encounters. He may expose himself to children or make obscene phone calls to children. He may utilize the services of a child prostitute. Unable to figure out any other way to gain access to a child, he might even marry a woman and have his own children, very likely molesting them from the time they are infants. He is similar to the inadequate Situational Child Molester, except that he has a definite sexual preference for children and his selection of only children as victims is more predictable.

Sadistic This pattern of behavior characterizes the offender who has a sexual preference for children but who, in order to be aroused or gratified, must inflict pain or suffering on the child victim. They typically use lures or force to gain access to their victims. They are more likely than other Preferential Child Molesters to abduct and even murder their victims. There have been some cases where seduction molesters have become sadistic molesters. It is

not known whether the sadistic needs developed late or were always there and surfaced for some reason. In any case, it is fortunate that sadistic child molesters do not appear to be large in number.

The Role of Law-Enforcement

In our typology the term Preferential Child Molester is synonymous with the pedophile who sexually molests or exploits children. Since there are federal, state, and local laws that deal with such crimes as the possession and distribution of child pornography, law-enforcement officers will sometimes be involved in the investigation of pedophiles and others who have not technically molested children but who have sexually exploited them. Therefore, pedophiles who do not physically or legally sexually molest children might become of investigative interest to local or federal law-enforcement. Any individual, however, who collects or distributes child pornography actually perpetuates the sexual abuse of the child portrayed. It is no different than the circulation of sexually explicit pictures taken by a rapist of his victim during the rape. Such collectors and distributors of child pornography are, in essence, child molesters. (*See also* "Appendix," page 58.)

Table 1

Situational Child Molester

	Regressed	*Morally Indiscriminate*	*Sexually Indiscriminate*	*Inadequate*
Basic Characteristics	Poor coping skills	User of people	Sexual experimentation	Social misfit
Motivation	Substitution	Why not?	Boredom	Insecurity and curiosity
Victim Criteria	Availability	Vulnerability and opportunity	New and different	Non-threatening
Method of Operation	Coercion	Lure, force, or manipulation	Involve in existing activity	Exploits size, advantage
Pornography Collection	Possible	Sadomasochistic; detective magazines	Highly likely; varied nature	Likely

Table 2

Preferential Child Molester

	Seduction	*Introverted*	*Sadistic*
Common Characteristics	1. Sexual preference for children 2. Collects child pornography or erotica		
Motivation	Identification	Fear of communication	Need to inflict pain
Victim Criteria	Age and gender preferences	Strangers or very young	Age and gender preferences
Method of Operation	Seduction process	Non-verbal sexual contact	Lure or force

3. The Law-Enforcement Investigation

In applying any typology, the law-enforcement officer must recognize the difficulty of attempting to put complex human behavior into neat categories. There will always be exceptions and difficulties. The law-enforcement typology described in the previous chapter involves two broad categories of child molesters (Situational and Preferential) and seven subcategories of patterns of behavior. These patterns of behavior are not necessarily mutually exclusive.

Combination Offenders

A Preferential Child Molester (pedophile) might have other psychosexual disorders, personality disorders, or psychoses or may be involved in other types of criminal activity. A pedophile's sexual interest in children might be combined with other sexual deviations (paraphilias), which include indecent exposure (exhibitionism), obscene phone calls (scatophilia), exploitation of animals (zoophilia), urination (urophilia), defecation (coprophilia), binding (bondage), baby role playing (infantilism), infliction of pain (sadism, masochism), real or simulated death (necrophilia), and others. The Preferential Child Molester is interested in sex with children that might, in some cases, involve other sexual deviations. The morally or sexually indiscriminate Situational Child Molester is interested in a variety of sexual deviations that might, in some cases, involve children. There are cases in which pedophiles are also psychopathic con artists, paranoid survivalists, or even serial killers. One particularly difficult offender to deal with is the morally indiscriminate Preferential Child Molester. If an offender has a sexual preference for children and at the same time has no conscience, there is no limit on how he might sexually victimize children. Such an offender is likely to abduct or murder children. While his preferential sexual interest in children affects his victim selection, however, most of his behavior is determined by a stunning lack of conscience. He is best viewed as a morally indiscriminate offender and should be investigated and interviewed as such.

Sex Rings

When investigating cases involving multiple offenders, such as daycare center abuses or other kinds of sex rings, the investigator must recognize that the subjects involved could include different kinds of molester types. The staff at a daycare center where children are being molested might include a seduction molester, morally indiscriminate molesters, or any other combination of the previously discussed types of molesters. A satanic cult involved in sexually abusing children might include morally indiscriminate, sexually indiscriminate, inadequate, and sadistic patterns of behavior. The behavior of the individuals involved must be carefully evaluated in order to develop appropriate investigative and interview strategies.

An important application of this typology is the simple recognition that not all child molesters are the same. Not all child molesters are pedophiles. Not all child molesters are passive, nonaggressive people. Child molesters look like everyone else and are motivated by a wide variety of influences. There is no single investigative or interview technique to deal with all of them.

Incest Cases

It has become commonly accepted that incestuous fathers are typically regressed child mo-

lesters who molest only their own children, do not collect child pornography, and who are best dealt with in noncriminal treatment programs. There are cases, however, in which the incestuous father appears to be a seducer or introverted Preferential Child Molester (pedophile) who married simply to gain access to children. In many cases, he has molested children outside the marriage or children in previous marriages.

Such individuals frequently look for women who already have children who meet their age and gender preferences. Their marriages usually last only as long as there are children in the victim preference range. In today's more liberal society, such an offender frequently no longer marries the woman, but simply moves in with her and her children. On some occasions, they merely befriend the mother and do not even pretend romantic interest in her but only express a desire to be a "father figure" for her children and help with expenses. Another technique is to marry a woman and adopt children or take in foster children. The last and least desirable strategem he uses is to have his own children—the least desirable method because it requires the offender to have sex with his wife and because there are few guarantees that the baby will be of the preferred sex.

In order to engage in sexual relations with his wife, the pedophile must create a fantasy. To aid in this fantasy some pedophiles have their wives dress, talk, or behave like children. After the birth of a baby of the preferred sex, such pedophiles may terminate or greatly reduce sexual relations with their wives. Of course, these facts are difficult for the police investigator to learn. Most wives or even ex-wives would be embarrassed to admit these sexual problems.

Other incestuous fathers are morally indiscriminate individuals whose sexual abuse of children is only a small part of their problem. They are cunning, manipulative individuals who can convincingly deny the allegations against them or, if the evidence is overwhelming, claim they need "help with their problem." Their personality disorder is more serious than even pedophilia and probably more difficult to treat.

Female Offenders

Where do female child molesters fit into this typology? The answer is unknown at this time. The author is not aware of a sufficient number of cases involving female offenders to include them in this typology; however, it is thought that the sexual abuse of children by females is far more prevalent than most people believe.

Many people believe that sex between an older woman and an adolescent boy is not molestation but a "rite of passage." Furthermore, sexual activity between women and young children is difficult to identify. Females are the primary caretakers in our society and can dress, bathe, change, examine, and touch children with little suspicion.

Many of the recent cases involving sexual abuse in daycare centers involve female offenders. There are many cases in which females actively participate in the sexual abuse of children with an adult male accomplice. It is rare to find a case, however, in which a female offender fits the dynamics of the Preferential Child Molester. This is a new area that needs additional research and study.

Adolescent Offenders

Another area that has recently received increased attention involves adolescent offenders. In past years, adolescent child molesters were usually dismissed with "boys will be boys" or "he's just going through a stage." Adolescent child molesters can fit into either broad category and any of the patterns of behavior described in this book. Frighteningly, though, many of the cases seen by the author involving adolescent child molesters seem to fit the morally indiscriminate pattern of behavior. These adolescent offenders must be carefully evaluated for proper intervention and treatment whenever possible.

In addition, adolescent (and even younger) sex offenders should *always* be viewed as past or current victims of sexual abuse. Recognizing and then investigating this victimization can lead to the identification of additional offenders and victims. The sexual abuse of younger children by an older child should always be viewed as an indication that the older child was sexually abused.

4. Identifying Pedophiles

Sexual exploitation is a term used to describe the sexual victimization of children, involving child pornography, child sex rings, and child prostitution. While offenders utilizing the services of a child prostitute may be either Situational or Preferential Child Molesters, those involved in child pornography and child sex rings are predominately Preferential Child Molesters. And, although a variety of individuals sexually abuse children, Preferential Child Molesters, or pedophiles, are the *primary* sexual exploiters of children. (For the purpose of our law-enforcement typology, *pedophile* is used interchangeably with *Preferential Child Molester*.)

An important step in investigating the difficult cases of child sexual victimization is to recognize and identify, if present, the highly predictable sexual behavior patterns of Preferential Child Molesters, or pedophiles. First, it is essential that the law-enforcement investigator attempt to determine if an offender is a Situational or Preferential Child Molester.

There are most likely more Situational than Preferential Child Molesters. Each Situational Child Molester, however, is likely to abuse only a small number of children in a lifetime. A Preferential Child Molester might molest ten, fifty, hundreds, or even a thousand children in a lifetime. The *Washington Post* reported that a recent study by Dr. Gene Abel of 571 sex offenders against children found that offenders older than 18 years of age had an *average* of 380 victims. Although pedophiles vary greatly, their sexual behavior is repetitive and highly predictable. Knowledge of these sexual behavioral patterns or characteristics is extremely valuable to the law-enforcement investigator.

These highly predictable and repetitive behavior patterns make cases involving Preferential Child Molesters far easier to investigate than those involving Situational Child Molesters. If enough of these characteristics can be identified through investigation, the majority of the remaining ones can be assumed. Most of these indicators mean little by themselves. As they are identified and accumulated through investigation, however, they can constitute reason to believe a certain offender is a Preferential Child Molester. You do not have proof beyond a reasonable doubt, but you may have probable cause.

The Preferential Child Molester (Pedophile)

The four major characteristics of the Preferential Child Molester (pedophile) are 1) long-term and persistent pattern of behavior, 2) children as preferred sexual objects, 3) well-developed techniques in obtaining victims, and 4) sexual fantasies focusing on children. These characteristics, together with the listed indicators, will assist the investigator in identifying the Preferential Child Molester and collecting the evidence necessary to arrest and convict him. At the outset, it must be stated and emphasized that *the indicators alone mean little*. Their significance and weight comes as they are accumulated and come to form a pattern of behavior. If the investigator determines the existence of enough of these indicators, there is probable cause to believe the individual is a Preferential offender. In order to identify these indicators, the investigator must be willing to go beyond the typical background check of date of birth and credit and criminal histories.

1. Long-Term and Persistent Pattern of Behavior

Sexual abuse in background Although most victims of child sexual abuse do not become

offenders, research indicates that most offenders are former victims. It is well worth the investigator's time and effort to determine if a suspect had ever been the victim of sexual abuse and what was the nature of the abuse (age it occurred, relationship with offender, acts performed, etc.).

Limited social contact as teenagers The pedophile's sexual preference for children usually begins in early adolescence. Therefore, during his teenage years he may have exhibited little sexual interest in people his own age. But, as with several of these indicators, that fact *alone* means little.

Premature separation from military If an individual was dishonorably discharged for molesting children, there is not much doubt about the case. It was far more common, though, for this type of individual to be prematurely separated from the military with no specific reason given or available. The military, like most organizations, was frequently interested in only getting rid of such individuals and not necessarily in prosecuting them. Fortunately, this attitude seems to be changing.

Frequent and unexpected moves When they are identified, pedophiles are frequently "asked" to leave town by someone in authority, by the parent of one of the victims, or by an employer. This was, and still is, a common way to deal with the problem. The result is that pedophiles frequently show a pattern of living in one place for several years with a good job and then suddenly and for no apparent reason moving and changing jobs. Chances are the investigator will find no official record of what happened. The pedophile will usually have an explanation for the move, but it probably will not reflect the true circumstances. This moving pattern can sometimes be determined from examination of drivers license records.

Prior arrests In some cases, pedophiles have previously been arrested for child molestation or sexual abuse. Certainly, such an arrest record is a major indicator, particularly if the arrest goes back many years or is repeated. Investigators must also be alert to the fact that pedophiles may have arrest records for actions that do not appear to involve sexual abuse. These might include impersonating a police officer, writing bad checks, violating child labor laws, or other violations that may indicate a need to check further. The investigator should attempt to get copies of the reports concerning the arrests in order to evaluate their significance properly.

Multiple victims If investigation reveals that an individual molested many different victims, that is a very strong indicator that the offender is a pedophile. More important, if other factors indicate that the offender is a pedophile, then a concerted effort should be made to identify the multiple victims. If you know of only one victim, but have reason to believe the offender is a pedophile, then begin looking for the other victims. For instance, if a teacher who is a suspected pedophile molests one child in his class, the chances are high that he has molested or attempted to molest other children in the class as well as children in all the other classes he has taught. This is also true of incest offenders suspected of being Preferential Child Molesters.

Planned, repeated, or high-risk attempts Bold and repeated attempts to obtain children that have been carried out in a cunning and skillful manner is a strong indication that the offender is a pedophile.

2. Children as Preferred Sexual Objects

Over 25, single, never married By itself, this indicator means nothing. It has significance only when combined with several other indicators. Because they have a sexual preference for children, pedophiles usually have some degree of difficulty in performing sexually with adults. Therefore, they typically do not marry. Some pedophiles, though, do enter into marriage for specific reasons, and these will be discussed below.

Lives alone or with parents This indicator is closely related to the above. Again, by itself, it has little meaning. The fact that a man lives alone does not mean he is a pedophile. The fact that an individual who possesses many of the other traits discussed

here and also lives alone might be significant.

Limited dating relationships if not married A man who lives alone, has never been married, and does not date should arouse suspicion if he possesses other characteristics discussed here.

If married, "special" relationship with spouse When they do marry, pedophiles often marry either a strong, domineering woman or a weak, passive woman-child. In any case, they will marry a woman who does not have high sexual expectations or needs. A woman married to a pedophile may not realize that her husband is a pedophile but she does know he has a "problem"—a sexual performance problem. Because she may blame herself for this problem and because of the private nature of people's sex lives, most wives will usually not reveal this information to an investigator. However, a wife, ex-wife, or girlfriend should always be considered as a possible source of information concerning the sexual preferences of an offender. Pedophiles sometimes marry for convenience or cover. Pedophiles marrying to gain access to children is discussed below.

Excessive interest in children How much interest is excessive? This is a difficult question. The old adage "If it sounds too good to be true, maybe it is" may apply here. If someone's interest in children seems too good to be true, maybe it is. This is not proof that someone is a pedophile, but it is a reason to be suspicious. It becomes more significant when this excessive interest is combined with other indicators discussed here.

Associates and circle of friends are young In addition to sexual activity, pedophiles frequently socialize with children. They may hang around schoolyards, arcades, shopping centers—any place that children frequent. Their "friends" may be male, female, or both sexes, very young or teenagers, all depending on the age and gender preferences of the pedophile.

Limited peer relationships Because they cannot share the most important part of their life (their sexual interest in children) with most adults, pedophiles may have a limited number of close adult friends. Only other pedophiles will validate their sexual behavior. If a suspected pedophile has a close adult friend, the possibility that the friend is also a pedophile must be considered.

Age and gender preference Most pedophiles prefer children of a certain sex in a certain age range. The older the age preference of the pedophile, the more exclusive the gender preference. Pedophiles attracted to toddlers are more likely to molest boys and girls indiscriminately. A pedophile attracted to teenagers is more likely to prefer either boys or girls exclusively. The preferred age bracket for the child can also vary. One pedophile might prefer boys 8 to 10, while another might prefer boys 6 to 12. A pedophile's age preference might not even correspond exactly with the legal definitions of a child or minor. For example, a pedophile might prefer sexual partners 13 to 19. How old a child looks and acts is more important than actual chronological age. A 13-year-old child who looks and acts like a 10-year-old child could be a victim target for a molester preferring 8 to 10 year olds. For the introverted Preferential Child Molester, how old the child looks is more important than how old the child acts. Puberty seems to be an important dividing line for many pedophiles. This is only an age and gender preference, not an exclusive limitation. Any individual expressing a strong desire to care for or adopt only a child of a very specific sex and age (other than an infant) should be viewed with some suspicion.

Refers to children as "clean," "pure," "innocent," "impish," etc., or as objects Pedophiles sometimes have an idealistic view of children that is expressed in their language and writing. Others sometimes refer to children as if they were objects, projects, or possessions. "This kid has low mileage" and "I've been working on this project for six months" are typical comments.

3. Well-Developed Techniques in Obtaining Victims

Skilled at identifying vulnerable victims Some pedophiles can watch a group of children for a brief period of time and then select a potential target. More often than not, the selected child turns out to be from a broken home or the victim of emotional or physical neglect. This skill is developed through practice and experience.

Identifies with children (better than with adults) Pedophiles usually have the ability to identify with children better than they do with adults—a trait that makes most pedophiles master seducers of children. They especially know how to *listen* to children. Many pedophiles are described as "pied pipers" who attract children.

Access to children This is one of the most important indicators of a pedophile. The pedophile will surely have a method of gaining access to children. Other than simply hanging around places children congregate, pedophiles sometimes marry or befriend women simply to gain access to their children. Pedophiles are frequently the "nice guys" in the neighborhood who like to entertain the children after school or take them on day or weekend trips. Also, a pedophile may seek employment where he will be in contact with children (teacher, camp counselor, babysitter, school bus driver) or where he can eventually specialize in dealing with children (physician, dentist, minister, photographer, social worker, police officer). The pedophile may also become a scout leader, Big Brother, foster parent, Little League coach, and so on. The pedophile may operate a business that hires adolescents. In one case known to the author, a pedophile married, had a daughter, and he molested her. He was the "nice guy" in the neighborhood who had the neighborhood girls over to his house for parties, at which he molested them. He was a coach for a girl's softball team, and he molested the players. He was a dentist who specialized in child patients, and he molested them.

Activities with children, often excluding other adults The pedophile is always trying to get children into situations where there are no other adults present. On a scout hike he might suggest the fathers go into town for a beer. He will "sacrifice" and stay behind with the boys.

Seduces with attention, affection, and gifts This is the most common technique used by pedophiles. They literally seduce the children by befriending them, talking to them, listening to them, paying attention to them, spending time with them, and buying gifts for them. If you understand the courtship process, it should not be difficult to understand why some child victims develop positive feelings for the offender. Many people can understand why an incest victim might not report his or her father, but they cannot understand why a victim not related to the offender does not immediately report molestation. There are many reasons for a victim not immediately reporting molestation (fear, blackmail, embarrassment, confusion), but the results of the seduction process are often ignored or not understood at all.

Skilled at manipulating children In order to operate a child sex ring involving simultaneous sexual relations with multiple victims, a pedophile must know how to manipulate children. The pedophile uses seduction techniques, competition, peer pressure, child and group psychology, motivation techniques, threats, and blackmail. The pedophile must continuously recruit children into and move children out of the ring without his activity being disclosed. Part of the manipulation process is lowering the inhibitions of the children. A skilled pedophile who can get children into a situation where they must change clothing or stay with him overnight will almost always succeed in seducing them. Not all pedophiles possess these skills. The introverted Preferential Child Molester is an example of a pedophile who typically lacks these abilities.

Has hobbies and interests appealing to children This is another indicator that must be considered for evaluation only in connection with other indicators. Pedophiles might collect toys or dolls, build model planes or boats, or perform as clowns or

magicians to attract children. A pedophile interested in older children might have a "hobby" involving alcohol, drugs, or pornography.

Shows sexually explicit material to children Any adult who shows sexually explicit material to children of any age should be viewed with suspicion. This is generally part of the seduction process in order to lower inhibitions. A pedophile might also encourage or allow children to call a dial-a-porn service as part of this process.

4. Sexual Fantasies Focusing on Children

Youth-oriented decorations in house or room Pedophiles attracted to teenage boys might have their homes decorated the way a teenage boy would. This might include toys, games, stereos, rock posters, and so on. The homes of some pedophiles have been described as shrines to children or as miniature amusement parks.

Photographing of children This includes photographing children fully dressed. One pedophile bragged that he went to rock concerts with thirty or forty rolls of film in order to photograph young boys. After developing the pictures, he fantasized about having sex with them. Such a pedophile might frequent playgrounds, youth athletic contests, child beauty pageants, or child exercise classes with his camera.

Collecting child pornography or child erotica This is one of the most significant characteristics of pedophiles, discussed in detail on pages 17–25.

If, after evaluating these indicators, the law-enforcement investigator has reason to suspect that a particular subject or suspect is a Preferential Child Molester, the investigator should utilize the two most important pedophile indicators to his or her investigative advantage. These two indicators are the evidence of multiple victims and collection of child pornography or erotica.

The investigator must attempt to identify additional victims to strengthen the case against the offender. The more victims identified, the less likely that any of them will have to testify in court. But, even more important, *as soon as legally possible* the investigator must obtain a warrant to search for child pornography or erotica, which is invaluable as evidence. There is a certain urgency in this because the more interviews conducted to obtain the needed probable cause for a search warrant, the greater the chance the pedophile will learn of the investigation and move or hide his collection. Child pornography, especially that produced by the offender, is the *single* most valuable piece of evidence of child sexual abuse that any investigator can have. The effects on a jury of viewing seized child pornography is devastating to the defendant's case.

5. Collection of Child Pornography and Erotica

Law-enforcement investigations have verified that pedophiles almost always collect child pornography or child erotica. *Collection* is the key word here. It does not mean that pedophiles merely view pornography: They save it. It comes to represent their most cherished sexual fantasies. They typically collect books, magazines, articles, newspapers, photographs, negatives, slides, movies, albums, drawings, audiotapes, videotapes and equipment, personal letters, diaries, clothing, sexual aids, souvenirs, toys, games, lists, paintings, ledgers, photographic equipment, etc.—all relating to children in a sexual, scientific, or social way. Not all pedophiles collect all these items; their collections vary in size and scope. Factors that seem to influence the size of a pedophile's collection include 1) socioeconomic status, 2) living arrangements, and 3) age. Better educated and more affluent pedophiles tend to have larger collections. Pedophiles whose living or working arrangements give them a high degree of privacy tend to have larger collections. Because collections are accumulated over a period of time, older pedophiles tend to have larger collections. Pedophiles with the economic means are converting more and more to videotape systems. They are even converting their books, magazines, photographs, and movies to videotape. For less than $1,500, a pedophile can have his own video camera and two video recorders, which give him the capability to produce and duplicate child pornography and erotica with little fear of discovery.

Situational Child Molesters might also collect pornography but not with the high degree of predictability of the Preferential Child Molester. In addition, child pornography will comprise a small percentage of the total collection of the Situational Child Molester. In the child pornography collected by Situational Child Molesters, the children might be dressed up (stockings, high heels, makeup) to look like adults. The morally indiscriminate child molester might collect pornography or erotica of a predominately sadomasochistic theme but probably will not save the same material year after year. The sexually indiscriminate individual is most likely to have an extensive collection; however, the vast majority of it will not be child oriented. His material might display a wide variety of sexual activity and perversions, with child pornography being only one small portion. The law-enforcement investigator should always consider the possibility that any child molester might collect child pornography or erotica; however, it is almost a certainty with the Preferential type. Because true child pornography is not easy to obtain, some pedophiles have only child erotica in their collections. Because it represents his sexual fantasies (age and gender preferences, desired sexual acts), the collection of any child molester should be carefully examined and evaluated.

Previous research conducted with Carol R. Hartman and Ann W. Burgess identified four kinds of collectors: 1) "closet," 2) "isolated," 3) "cottage," and 4) "commercial." The "closet collector" keeps his collection a secret and is not actively involved in molesting children. Materials are usually purchased discreetly through commercial channels. The "isolated collector" is actively molesting children as well as collecting child pornography or erotica. Fear of discovery overrides his need for active validation and causes him to keep his activity a secret between only himself and his victims. His collection may include pictures of his victims taken by him as well as material from

other sources. The "cottage collector" shares his collection and sexual activity with other individuals. This is usually done primarily to validate his behavior, and money or profit is not a significant factor. Photographs, videotapes, and "war stories" are swapped and traded with other child molesters (and sometimes, unknowingly, with undercover investigators). The "commercial collector" recognizes the monetary value of his collection and sells his duplicates to other collectors. Although profit is an important motive, these individuals are usually active sexual molesters themselves.

Child Pornography

What the pedophile collects can be divided into two categories: child pornography and child erotica. *Child pornography* can be behaviorally (not legally) defined as the sexually explicit reproduction of a child's image, voice, or handwriting—including sexually explicit photographs, negatives, slides, magazines, movies, videotapes, audiotapes, and handwritten notes. In essence, it is the permanent record of the sexual abuse of a child. The only way child pornography can be reproduced is through child victimization. Child pornography exists primarily for the consumption of pedophiles. If there were no pedophiles, there would be little child pornography other than that involving adolescent children.

Child pornography can be divided into two subcategories: commercial and homemade. *Commercial* child pornography is that which is produced and intended for commercial sale. Because of strict federal and state laws today, there is no place in the United States where commercial pornography is knowingly openly sold. The commercial child pornography still being distributed in the United States is smuggled in from foreign countries—primarily by pedophiles. The risks are usually too high for the strictly commercial dealer. Because of their sexual and personal interests, however, pedophiles are more willing to take those risks. Their motive goes beyond just profit.

Contrary to what its name implies, the quality of homemade child pornography can be as good if not better than the quality of any commercial pornography. The pedophile has a personal interest in the product. *Homemade* simply means it was not originally produced primarily for commercial sale. Although commercial child pornography is not openly sold anywhere in this country, homemade child pornography is continually produced, swapped, and traded in almost every community in America. Sometimes homemade child pornography is sold or winds up in commercial child pornography magazines, movies, or videos.

It is important for the law-enforcement investigator to realize that most of the children in pre-pubescent child pornography were not abducted into sexual slavery. They were seduced into posing for these pictures or videos by a pedophile they probably know. They were never missing children. In some cases their own parents took the pictures or made them available for others to take the pictures. Children in pubescent or technical child pornography, however, are more likely to be missing children—especially runaways or throwaways being exploited by morally indiscriminate pimps or profiteers.

In understanding the nature of child pornography, the law-enforcement officer must recognize the distinction between *technical* and *simulated* child pornography. The Child Protection Act of 1984 defines a *child* as anyone under the age of 18. Therefore, a sexually explicit photograph of a 15-, 16- or 17-year-old girl or boy is *technical* child pornography. The production, distribution, and, in some cases, the possession of child pornography could and should be investigated under appropriate child pornography statutes. The investigator should understand, though, that the consumers of such material are not necessarily pedophiles.

On the other hand, sexually explicit photographs of 19-year-old or older males or females are not legally child pornography. But if the person portrayed in such material is young looking, dressed youthfully, or made up to look young, the material could be of interest to pedophiles. This is *simulated* child pornography. It is designed to appeal to the pedophile but it is not legally child pornography because the individuals portrayed are over 18. This illustrates the importance and sometimes the

difficulty in proving the age of the child in the photographs or videotapes.

Unlike child erotica, child pornography requires a child to be victimized. A child had to be sexually exploited to produce the material. Children used in pornography are desensitized and conditioned to respond as sexual objects. They are frequently ashamed of their portrayal in such material. They must deal with the permanency, longevity, and circulation of such a record of their sexual abuse. Some types of sexual activity can be repressed and hidden from public knowledge; child victims can imagine that some day the activity will be over and they can make a fresh start. Many children, especially adolescent boys, vehemently deny their involvement with a pedophile. But there is no denying or hiding from a sexually explicit photograph or videotape. The child in a photograph or videotape is young forever and the material can be used over and over again for years. Some children have even committed crimes in attempts to retrieve or destroy the permanent records of their molestation.

Child Erotica (Pedophile Paraphernalia)

Child erotica is a broader and more encompassing term than child pornography. It can be defined as any material, relating to children, that serves a sexual purpose for a given individual. Some of the more common types of child erotica include toys, games, drawings, fantasy writings, diaries, souvenirs, sexual aids, manuals, letters, books about children, psychological books on pedophilia, and ordinary photographs of children. Child erotica might also be referred to as *pedophile paraphernalia.* Generally, possession and distribution of these items does not constitute a violation of the law.

For investigative purposes, child erotica can be divided into the categories below.

Published Material Relating to Children Examples of this include books, magazines, articles, or videotapes dealing with any of the following areas:

Child development	Sexual disorders
Sex education	Pedophilia
Child photography	Man-boy love
Sexual abuse of children	Personal ads
Incest	Detective magazines
Child prostitution	"Men's" magazines
Missing children	Nudism
Investigative techniques	Erotic novels
Legal aspects	Catalogs
Access to children	Brochures

Listings of foreign sex tours, guides to nude beaches, and material on sponsoring orphans or needy children provide them with information about access to children. Detective magazines saved by pedophiles usually contain stories about crimes against children. The "men's" magazines collected may have articles about sexual abuse of children. The use of adult pornography to lower inhibitions is discussed elsewhere in this book. Although the possession of information on missing children should be carefully investigated to determine possible involvement in abduction, most pedophiles collect this material to help rationalize their behavior as child "lovers," not abductors. Personal ads include those in "swinger" magazines, video magazines, and newspapers, and may mention "family fun," "family activity," "European material," "youth training," "unusual and bizarre," "better life," and so on. Erotic novels may contain stories about sex with children but without sexually explicit photographs. They may contain sketches or drawings. Materials concerning current or proposed laws dealing with sex abuse; arrested, convicted or acquitted child molesters; or investigative techniques used by law-enforcement are common.

Unpublished Material Relating to Children Examples include items such as the following:

Personal letters	Telephone and address books
Audiotapes	Pedophile manuals
Diaries	Newsletters and bulletins
Fantasy writings	Directories
Manuscripts	Adult pornography
Financial records	

Directories usually contain information on where to locate children. Newsletters and bulletins are distributed by pedophile support groups, such as the North American Man-Boy Love Association (NAMBLA), the Lewis Carroll Collector's Guild, and any other similar group. Manuscripts are writings of the pe-

dophile in formats suitable for real or imagined publication. Ledgers and financial records might include cancelled checks used to pay victims or to purchase pornography or erotica.

Pictures, Photographs, and Videotapes of Children Examples include children found in the following:

- Photography, art, or sex education books
- Photograph albums and displays
- Candid shots
- Photocopies of photographs or pictures
- Drawings and tracings
- Posters and paintings
- Advertisements
- Children's television programs or videos
- Cut-and-paste pictures

Cut-and-paste involves creating new pictures by cutting and pasting parts of old ones. Seized videotapes should always be viewed or scanned in their entirety because a variety of material, including hard-core child pornography, could be on any one tape. Some pedophiles cut out pictures of children from magazines and put them in albums as if they were photographs.

Souvenirs and Trophies Examples may include mementos of children, listed below:

- Photographs
- Articles of clothing
- Jewelry and personal items
- Audiotapes
- Letters and notes
- Charts and records

Photographs collected by pedophiles are often labeled or marked. Charts and records might include astrology or biorhythm charts. Audiotapes, letters, and notes collected for souvenir purposes are usually from past child victims and discuss what the two did together and how much the victims like the offender. Personal items could even include victims' fingernails, hair, or underwear.

Miscellaneous This category can include items used in courting children:

- Computers and peripheral equipment
- Sexual aids
- Toys, games, and dolls
- Costumes
- Child- or youth-oriented decorations
- Video and photography equipment
- Alcohol and drugs

Costumes include those worn by the offender and by the children.

Motivation for Collection

It is difficult to know with certainty why pedophiles collect child pornography and erotica. There may be as many reasons as there are pedophiles. Collecting this material may help pedophiles satisfy, deal with, or reinforce their *compulsive,* persistent sexual fantasies about children. Some child erotica is collected as a substitute for preferred but unavailable child pornography.

Collecting may also fulfill needs for *validation*. Many pedophiles collect academic and scientific books and articles on the nature of pedophilia in an effort to understand and justify their own behavior. For the same reason, pedophiles often collect and distribute articles and manuals written by pedophiles in which they attempt to justify and rationalize their behavior. In this material pedophiles share techniques for finding and seducing children and avoiding or dealing with the criminal justice system. Pedophiles get passive validation from the books and articles they read and collect.

Pedophiles swap pornographic photographs the way boys swap baseball cards. As they add to their collections, they get strong reinforcement from each other for their behavior. The collecting and trading process becomes a common bond. Pedophiles get active validation from other pedophiles.

The need for *validation* may also partially explain why some pedophiles compulsively and systematically save the collected material. It is almost as though each communication and photograph is evidence of the value and legitimacy of their behavior. For example, one pedophile sends another pedophile a letter, enclosing photographs and describing his sexual activities with children. At the letter's conclusion he asks the receiver to destroy the letter because it could be damaging evidence against him. Six months later police find the letter—

carefully filed as part of the pedophile's organized collection.

Some of the child pornography and erotica collected by pedophiles is saved as a souvenir or trophy of the relationships with children. All child victims will grow up and become sexually unattractive to the pedophile. In a photograph, however, a 9-year-old child stays young forever. This is one reason why many pedophiles date and label their pictures and videotapes of children.

The need to validate their behavior and to have souvenirs of their relationships are the motivations most overlooked by investigators when evaluating the significance of the pornography and erotica collections of pedophiles.

Use of Collection

Although the reasons why pedophiles collect child pornography and erotica are conjecture, we can be more certain as to how this material is used. Study and police investigations have identified certain criminal uses of the material.

Child pornography and child erotica are used for the sexual arousal and gratification of pedophiles. They use child pornography the same way other people use adult pornography—to feed sexual fantasies. Some pedophiles only collect and fantasize about the material without acting out these fantasies, but in most cases the arousal and fantasy fueled by the pornography is only a prelude to actual sexual activity with children.

A second use of child pornography and erotica is to lower children's inhibitions. A child who is reluctant to engage in sexual activity with an adult or to pose for sexually explicit photos can sometimes be convinced by viewing other children having "fun" participating in the activity. Peer pressure can have a tremendous effect on children; if other children are involved, the child might be led to believe that the activity is acceptable. When the pornography is used to lower inhibitions, the children portrayed will usually *appear* to be having a good time.

Books on human sexuality, sex education, and sex manuals are also used to lower inhibitions. Children accept what they see in books, and many pedophiles have used sex education books to prove to children that such sexual behavior is acceptable. Adult pornography is also used, particularly with adolescent boy victims, to arouse them or to lower inhibitions.

A third major use of child pornography collections is blackmail. If a pedophile already has a relationship with a child, seducing the child into sexual activity is only part of the plan. The pedophile must also ensure that the child keep the secret. Children are most afraid of pictures being shown to their friends. Pedophiles use many techniques to blackmail; one of them is through photographs taken of the child. If the child threatens to tell his or her parents or the authorities, the existence of sexually explicit photographs can be an effective silencer.

A fourth use of child pornography and erotica is as a medium of exchange. Some pedophiles exchange photographs of children for access to or phone numbers of other children. The quality and theme of the material determine its value as an exchange medium. Rather than paying cash for access to a child, the pedophile may exchange a small part (usually duplicates) of his collection. The younger the child and the more bizarre the acts, the greater the value of the pornography.

A fifth use of the collected material is profit. Some people involved in the sale and distribution of child pornography are not pedophiles; they are profiteers. In contrast, most pedophiles seem to collect child erotica and pornography for reasons other than profit. Some pedophiles may begin nonprofit trading, which they pursue until they accumulate certain amounts or types of photographs, which are then sold to commercial dealers for reproduction in commercial child pornography magazines. Others combine their pedophilic interests with their profit motive. Some collectors even have their own photographic reproduction equipment. Thus, the photograph of a child taken with or without parental knowledge by a neighborhood pedophile in any American community can wind up in a commercial child pornography magazine with worldwide distribution.

Characteristics of Collection

Important The pedophile's collection is usually one of the most important things in his life. He is willing to spend considerable time and money on it. Most pedophiles make no profit from their collections. After release from prison, many pedophiles attempt to get their collections back from the police.

Constant No matter how much the pedophile has, he never has enough; and he rarely throws anything away. If police have evidence that a pedophile had a collection five or ten years ago, chances are he still has the collection now—only it is larger. This is a very significant characteristic to consider when evaluating the staleness of information used to obtain a search warrant.

Organized The pedophile usually maintains detailed, neat, orderly records. There are exceptions, but the collections of most pedophiles are carefully organized and maintained. As will be discussed, some pedophiles now use computers for this purpose.

Permanent The pedophile might move, hide, or give his collection to another pedophile if he believes the police are investigating him. He is not likely to destroy the collection: It is his life's work. In some cases he might even prefer that the police seize it and keep it intact in an evidence room where he might retrieve at least some of it when released from prison. One offender is known to have willed his collection to a fellow pedophile.

Concealed Because of the hidden or illegal nature of the pedophile's activity, he is concerned about the security of his collection. But this must always be weighed against his access to the collection. It does him no good if he cannot get to it.

Where pedophiles hide their collections often depends on their living arrangements. If living alone or with someone aware of his preference for children, the collection will be less well concealed. It might be in a trunk, box, cabinet, bookcase, or out in the open. The child pornography might be better hidden than the erotica. If living with family members or others not aware of his activity, it will be better concealed. The collection might be found behind a false panel, in the duct work, under insulation, and so on. The collection is usually in the pedophile's home, but it could be in an automobile or a camper, at his place of business, in a safety deposit box, or in a rented storage locker. The most difficult location to find is a secret place in a remote rural area. The investigator should search any area that is under the control of the offender.

Shared The pedophile frequently has a need or desire to show and tell others about his collection. He is seeking validation for all his efforts. The investigator can use this need to his advantage by showing interest in the collection during any interview of a pedophile. The offender might appreciate the opportunity to brag about how much time, effort, and skill went into his collection.

Use of Computers There is a modern invention that is of invaluable assistance to the pedophile: the computer. It could be a large computer system at his place of business or a small personal computer at his home. It is simply a matter of modern technology catching up with long-known personality traits. The computer helps fill their needs for organization, validation, and souvenir records.

Law-enforcement investigation has determined that pedophiles use computers to organize their collections and correspondence. Many pedophiles seem to be compulsive record keepers. A computer makes it much easier to store and retrieve names and addresses of victims and other pedophiles. Innumerable characteristics of victims and sexual acts can be easily recorded and analyzed. An extensive pornography collection can be cataloged by subject matter. Even fantasy writings and other narrative descriptions can be stored and retrieved for future use.

Many pedophiles communicate with other pedophiles. Now, instead of putting a stamp on a letter or package, they can use their computer to exchange information. Pedophiles can use their computers to locate individuals with similar interests. Like advertisements in "swinger magazines," electronic bulletin boards are used to identify individuals of mutual interest concerning age, gender, and sex-

ual preference. For instance, in the December 1983 issue of the North American Man-Boy Love Association (NAMBLA) bulletin, a member from Michigan proposed that NAMBLA establish its own electronic bulletin board. The pedophile may use an electronic bulletin board to which he has authorized access, or he may illegally enter a system. The pedophile can also set up his own or participate in other surreptitious or underground bulletin boards.

Pedophiles who have turned their child pornography into a profit-making business use computers the same way any business uses them. Lists of customers, dollar amounts of transactions, descriptions of inventory, and so on, can all be recorded on the computer. Police must be alert to the fact that any pedophile with the intelligence, economic means, or employment access might be using a computer in any or all of the above ways.

The Role of Law-Enforcement

During any investigation of child sexual abuse, the possible presence of child pornography and erotica must be explored. For law-enforcement officers, the existence and discovery of a child erotica or child pornography collection can be of invaluable assistance to the investigation of any child sexual abuse case. Obviously, child pornography itself is usually evidence of criminal violations. The ledgers, diaries, letters, books, and souvenirs that are often part of a child erotica collection, however, can also be used as supportive evidence to prove intent and for additional lead information. Names, addresses, and pictures of additional victims; dates and descriptions of sexual activity; names, addresses, phone numbers, and admissions of accomplices and other pedophiles; and descriptions of sexual fantasies, background information, and admissions of the subject are frequently part of a child erotica collection.

Child erotica must be viewed in the context in which it is found. Although many people might have some similar items in their home, it is only the pedophile who collects such material for sexual purposes as part of his seduction of and fantasies about children. Many people have a mail-order catalog in their home, but only a pedophile has albums full of children's underwear ads he clipped and saved from past catalogs.

Child erotica must also be evaluated in the context in which it is found. The law-enforcement investigator must use good judgment and common sense. Possession of an album filled with pictures of the suspect's own fully dressed children probably has no significance. Possession of fifteen albums filled with pictures of fully dressed children unrelated to the suspect probably has significance. Possession of his own children's underwear in their dresser probably is normal. Possession of a suitcase full of little girl's underwear probably is suspicious. Possession of a few books about child development or sex education on a bookshelf probably has no significance. Possession of dozens of such books together in a box probably is significant.

Most people have photographs of children somewhere in their homes, and many people also possess photographs of naked children. Under most state statutes and the current federal law, pictures of children portraying simple nudity are not generally considered sexually explicit or obscene. The federal law requires at least "lascivious exhibition of the genitals or pubic area" to be considered sexually explicit and therefore to constitute child pornography. How then can an investigator evaluate the possible significance of nude and non-sexually explicit photographs of children found during a search in the possession of a suspected offender?

The following criteria are offered for the evaluation of such photographs. As used here, the term *photograph* includes any visual depiction (negatives, prints, slides, movies, videotapes).

How They Were Produced Pedophiles are more likely to use trickery, bribery, or seduction to take their photographs of children. They sometimes photograph children under false pretenses, such as leading them or their parents to believe that modeling or acting jobs might result. Some offenders even hide and surreptitiously photograph children. One pedophile hid above the ceiling of a boys' locker room and photographed boys through a moved ceiling tile. Many pedophiles even collect pho-

tographs of children who are complete strangers to them. They take these pictures at swimming meets, wrestling matches, child beauty pageants, parks, parades, rock concerts, and other events open to the public. These photographs are usually of children of a certain age and gender.

Pedophiles are also more likely to take and possess photographs that focus on certain parts of a child's anatomy of particular sexual interest to a certain offender. In some photographs the children may be involved in strange or bizarre behavior, such as pretending to be dead or simulating unusual sex acts. In one case, a pedophile photographed young boys with painted bondage-like markings on their bodies. If commercially produced, the way the photographs were advertised is important in evaluating their significance.

Investigators should make every effort to determine the circumstances under which recovered photographs were taken in order to evaluate their investigative significance as child erotica. The sequence in which the photographs were taken, which can sometimes be determined from the negatives, can be an important part of the evaluation. Recovered videotapes must be listened to as well as observed to evaluate their significance.

How They Were Saved Volume is a significant factor here. Pedophiles are more likely to have large numbers of photographs of children. One pedophile had 27 large photo albums filled with pictures of children partially or fully dressed. They are more likely to have their photographs carefully organized and cataloged and mounted in binders or albums. These may be photographs they cut out of magazines, catalogs, or newspapers. Sometimes sexually explicit captions are written above or below the pictures.

Photographs are frequently marked with the children's names and ages and the dates taken. Sometimes they are also marked with the children's addresses, physical descriptions, and even the sexual acts they performed. Most people who have photographs of their naked children or grandchildren save them as a small part of a wide collection. The pedophile who collects photographs of children is more likely to have hundreds of such photographs together, and all the children portrayed will be of the same general age. There will be few, if any, photographs of these same children when they are older. The pedophile offender is also more likely to have enlargements or carefully arranged groupings of these photographs—even arranged on the wall as a kind of shrine to children. Some material may be placed where child victims will have easy access to it.

Investigators should carefully document the context in which such recovered photographs were maintained by the offender. Prosecutors must ensure that jurors understand that the pedophile's collection of photographs of naked children is not an ordinary one.

How They Were Used Pedophiles often use these photographs to help seduce and lower the inhibitions of children. Pictures of naked children could be used to convince children to remove their clothing. Investigators should attempt to determine how the offender used such material in his interaction with children. In addition, investigators should attempt to determine if the offender sold or traded this material.

Few police officers would ignore or fail to seize sexually explicit child pornography found during a search. But, over and over again, officers ignore and leave behind the child erotica. Although not as significant or damaging as child pornography, child erotica is valuable evidence of intent and a source of valuable intelligence information. The finding of child erotica might also influence bail, a guilty plea, and the sentence eventually imposed.

The investigative experience of many law-enforcement officers dealing with pornography is often limited to commercial pornography distributed by individuals motivated by monetary profit. The direct connection between the pornography and the sex crimes is rarely a factor in these kinds of cases. In an investigation narrowly focused only on the pornography or obscenity violations, officers might have legal problems justifying the seizure of child erotica (pedophile paraphernalia) found when executing a search warrant or consent to search. In an investigation more broadly focused on child pornography and its role in the sexual exploita-

tion of children by child molesters, however, officers should recognize the evidentiary value of child erotica. If the facts of the case justify it, this relationship between child pornography and the sexual exploitation of children should always be set forth in the affidavit for a search warrant. Both the child pornography and the child erotica should be seized as evidence when found in such cases. Child pornographers are usually child molesters. The photograph of a fully dressed child may not be evidence of an obscenity violation, but it could be evidence of an offender's sexual involvement with children. If there is doubt about the legality of the seizure of child erotica, the presence of such material should be noted and, if possible, it should be photographed or videotaped (without sound).

Every effort should be made to attempt to identify the children, even those fully dressed, in photographs or videotapes found in the possession of a pedophile. This is especially true if these items appear to have been produced by the offender himself. Each of these children is a potential victim of sexual abuse. This identification must be done discreetly in order to avoid potential public embarrassment to the children, whether or not they were victimized. Sometimes the pedophile makes the identification unbelievably easy by labeling his photographs with names, descriptions, addresses, dates, and even sex acts performed.

Possession of numerous books, magazines, articles, or newspaper clippings about the sexual development and abuse of children or about pedophilia in general can be used as evidence of intent at a subsequent trial. It is very difficult to disprove the claim of a wrestling coach that his touching was legitimate athletic training or the claim of a teacher that his or her touching was normal healthy affection. This difficult task can be made easier if police have seized a child erotica collection that includes items such as a diary or fantasy writings describing the sexual stimulation experienced when touching a child to demonstrate a wrestling hold or when fondling a student.

6. After Identification

When a child molestation case is uncovered and an offender identified, there are certain fairly predictable reactions by the child molester. This is especially true of the Preferential Child Molester (pedophile). Knowledge and anticipation of these reactions will help the investigation and prosecution of such difficult cases.

The Pedophile's Defenses

Denial Usually the first reaction of a child molester to discovery will be complete denial. The offender may act shocked, surprised, or even indignant about an allegation of sexual activity with children. He may claim to know nothing about it or that he does not remember. He might admit to an act but deny the intent was sexual gratification: "Is it a crime to hug a child?" He may imply that his actions were misunderstood, and a mistake has been made. His denial may be aided by relatives, friends, neighbors, and coworkers. These associates may be uncooperative and may even hinder police investigation of the offender. In any case, the investigator should anticipate and not be thrown off by strong initial denial by a suspect.

Minimization If the evidence against him rules out total denial, the offender may attempt to minimize what he has done, both in quantity and quality. He might claim that it happened on one or two isolated occasions or that he only touched or caressed the victim. He may be knowledgeable about the law and might admit to acts that he knows are lesser offenses or misdemeanors. It is important to recognize that even seemingly cooperative *victims* may also minimize the quantity and quality of acts. If a certain act was performed 30 times, the victim might claim it happened only 5 times, and the offender might claim it happened only once or twice. A victim may admit to having sex but not to receiving money for sex or may admit to receiving oral sex but not to giving it. Victims sometimes deny certain sexual acts in spite of photographs showing otherwise. Adolescent boys, in particular, may deny or minimize their victimization.

Justification A child molester typically attempts to justify his behavior to the police. He might claim that he cares for the children more than the children's parents do and that what he does is beneficial to the child. If he is the father of the victim, he might claim the child is better off learning about sex from him. In other cases he might claim he has been under tremendous stress or has a drinking problem. He might claim he did not know how old a certain victim was.

His efforts to justify his behavior usually center around blaming the victim. This is the single most common rationalization of all pedophiles. The offender may claim he was seduced by the victim, that the victim initiated the sexual activity, or that the victim is promiscuous or even a prostitute. In a few cases, it might even be true. But such a justification has no meaning. A crime has still been committed.

Fabrication Some of the more clever child molesters come up with ingenious stories to explain their behavior. One offender, a doctor, claimed he was doing research on male youth prostitution. A professor claimed he was doing research on pedophilia and collecting and distributing child pornography for scientific research. A teacher said that his students had such a desperate need for attention and affection that they practically threw themselves at him and misunderstood his affection and response as sexual advances. Many incest offenders claim to be providing sex education for

their children. In another case, a nursery school operator, who had taken and collected thousands of nude and seminude photographs of young children in his care, claimed they were not for sexual purposes; he simply admired the anatomy of children. Another offender claimed his sadomasochistic photos of children were part of a child discipline program. One offender claimed the children made a sexually explicit videotape without his knowledge and that he had kept it only to show their parents. Another offender claimed he was merely keeping the child warm in his bed on a cold night. These stories work particularly well when the child molester is a professional, such as a teacher, doctor or, especially, a therapist. The investigator and prosecutor must be prepared to confront such stories and attempt to disprove them. Finding child pornography or erotica in the possession of the offender is one effective way to do this.

Mental Illness When other tactics fail, the child molester may feign mental illness. It is interesting to note that few child molesters admit mental illness until after they are identified or arrested or until other tactics fail. If, as previously discussed, all pedophiles are not necessarily child molesters, then pedophilia alone cannot be the cause of their child molesting.

Of course, if the child molester is truly mentally ill, he needs treatment and not a jail term. This book will not attempt to debate whether or not pedophilia is a mental disorder that legally alters criminal responsibility for behavior. If the behavior of a child molester is considered the result of a mental illness, however, then it must out of necessity be treated as a "contagious" disease that is, at best, difficult to cure. The seriousness of the offenses and the effectiveness of any proposed treatment must be carefully evaluated by the court. Treatment and punishment are not mutually exclusive.

Sympathy Pedophiles may resort to a "nice guy defense." In this defense, the offender expresses deep regret and attempts to show he is a pillar of the community, a devoted family man, a military veteran, a church leader, nonviolent, without prior arrests, and a victim of many personal problems. In view of the fact that many people still believe in the myth that child molesters are "strangers" or misfits of society, this tactic can unfortunately be effective. Many traits introduced by the offender as evidence of his good character (*i.e.*, dedication to children, volunteer work, etc.) in fact contribute to his ability to access and seduce children.

Attack It is important not to overlook this reaction of the identified child molester. It can be used many times during the investigation or prosecution. This reaction consists of attacking or going on the offensive. The pedophile may harass, threaten, or bribe victims and witnesses; attack the reputation and personal life of the investigating officer; attack the motives of the prosecutor; claim the case is selective prosecution; raise issues such as gay rights if the child victim is the same sex as the offender; and enlist the active support of groups and organizations.

The police investigator also must consider the possibility of physical violence. It would be a terrible mistake for any police investigator or prosecutor to think that all child molesters are passive people who are easily intimidated. The author is aware of at least two cases in which the arrested child molester was a survivalist with a massive arsenal of weapons and explosives. In addition, there are cases in which child molesters murdered their victims, including their own children, to keep them from disclosing the sexual abuse. Two different child molesters who had each killed several of their child victims stated that the only way that society could have prevented the murders would have been to legalize sex between adults and children. They claimed that they killed their victims only to avoid identification. In another case, a child molester killed the mother of his victim when she tried to end his relationship with her son.

Guilty, but Not Guilty The offender will often try to make a deal in order to avoid a public trial. Although this results in the highly desirable objective of avoiding child victim testimony, the unfortunate aspect of this is that the offender is often allowed to plead, in essence, "guilty, but not guilty." This sometimes involves a plea of *nolo contendere* to avoid civil liability. The offender may make public statements that he is pleading guilty because he

does not want to put the children through the trauma of having to testify or because he has no more money to defend himself. This problem is compounded by the fact that it is possible, under the provisions of a U.S. Supreme Court decision (*North Carolina* v. *Alford*, 400 U.S. 25, 1970) to plead guilty to a charge while at the same time not acknowledging that you committed the crime. In some cases, offenders claimed they pleaded guilty because they knew a jury would convict them, but they "could not remember committing the crime." Although it is understandable why a prosecutor might accept such a plea in some cases, its use prevents the offender from having to accept public responsibility for his behavior. He is able to plead "guilty, but not guilty"—further confusing the child victim as to who is guilty and innocent. Another variation of this is that the child molester pleads not guilty by reason of insanity. If state insanity criteria allow it, he will claim he knew his acts were wrong, but he lacked the ability to conform his behavior to the law. The judge and jury will then be given the difficult task of differentiating between an irresistible impulse and an impulse not resisted.

After Conviction After being convicted and sentenced to incarceration, some pedophiles may exhibit another reaction. This involves asking to speak to law-enforcement investigators and claiming to have important information about more serious offenses against children. They might claim to know about organized child sex rings, child pornography, child prostitution, abduction of children, or child murders. Although this reaction is not as common as the others discussed here, there are numerous cases in which this has happened. In many of these cases, the information furnished has turned out to be exaggerated, distorted, or patently false. Investigators have no choice but to investigate and check out such allegations because they might be partially or totally true. Investigators, however, must be skeptical and cautious in their response. Such stories should be carefully evaluated and assessed, and investigators should consider an early use of the polygraph by an examiner experienced in interviewing child molesters.

Suicide One other reaction should also be anticipated in certain cases. An offender, especially from a middle-class background and with no or one prior arrest, should be considered a high suicide risk at any time after arrest or conviction. The law-enforcement investigator should be prepared to be blamed for the offender's death.

A wide variety of criminals may react in similar ways when their activity is discovered or investigated. The reactions described above, however, have been seen in child molesters time and time again, particularly in Preferential Child Molesters.

7. Investigative Difficulties

The author has observed four major problems that make the investigation of child sexual abuse and exploitation difficult for the law-enforcement officers and the criminal justice system. Some of these investigative difficulties are not unique to child sexual abuse cases, but only their impact on and relevance to such cases will be discussed here.

The Ideal Victim

Children in general have certain characteristics that make them ideal victims from the *offender's* point of view. Some of these characteristics are listed below.

Naturally Curious Children have a natural curiosity about the world around them. As they grow older, they become increasingly curious about sex. For most children sex is a taboo subject about which they receive little accurate information, especially from their parents. This natural curiosity and the lack of available information can be easily exploited by a clever child molester to lower children's inhibitions and gradually seduce them into sexual activity.

Easily Led by Adults Many parents specifically instruct their children to respect and obey adults. Children are aware that their very survival depends on these powerful adults. In addition to fulfilling the physical and emotional needs of children, adults are bigger and stronger. Any adult child molester can simply exploit his or her size and adult status to influence and control a child's behavior. Some child molesters exploit their status as stepfathers, guardians, Big Brothers, or scout leaders to entice children into sexual activity. Child molesters who do not have this added adult authority sometimes impersonate such individuals, claiming to be police officers, ministers, and so on, when they are not.

Need for Attention and Affection This is by far the most significant characteristic of children that makes them ideal victims, especially for the seduction child molester. Even when they are getting attention and affection at home, children still crave and need it from others in their life. Although all children are at risk from such seduction techniques, it seems that the child from a broken home, who is the victim of emotional neglect, or who has strong feelings of alienation is most vulnerable. Many victims get to the point where they are willing to trade sex for the attention and affection they get from some child molesters. It is sad but true that in many ways some child molesters treat their victims better than the victim's own parents do. The seduction child molester exploits the child's need for attention and affection to his advantage. The child molester is usually willing to supply all this attention and affection only as long as the child meets his age preferences, however. When the child gets too "old," the attention and affection usually turn to neglect and rejection.

Recently reported statistics indicate that large numbers of children are being raised in single parent families. This is an ideal situation for the seduction child molester. Many parents are not only *not* suspicious of adults who want to spend time with their children, they welcome them. But parents should at least be suspicious of individuals who want to be together with their children for long periods of time.

Need to Defy Parents Many children, especially when they reach adolescence, go through a rebellious period. This can be exploited by the child molester to his advantage. Any child who is victimized as a result of disobeying parental guidelines will be reluctant to admit their error. This is especially true of adolescent boys.

Children as Witnesses Many children are not believed when they report being sexually abused and may be subject to harassment in court. The truth is that children are not poor witnesses. Neither are they ideal witnesses. Although child witnesses have many of the same traits as adult witnesses, the criminal justice system must make special allowances for the developmental stages of children. Information furnished by children must be evaluated and assessed like the information furnished by any other victim or witness. If possible, as an early step in this assessment, consideration should be given to having a young child victim or witness evaluated by a mental health professional in order to determine the child's developmental progress. This information can be of assistance in evaluating the information and details furnished by the child. This is not always possible or practical, however.

It has been the author's experience that children rarely deliberately lie about sexual abuse, but they can misperceive events. Children can be confused, tricked, or even drugged by offenders. In today's modern society, even very young children can learn about sex, including bizarre and unusual acts, from peers, television, videotapes, magazines, observation of adults around them, and even from well-meaning safety programs. Children can be easily influenced by untrained or overzealous interviewers, including parents, therapists, social workers, and police.

Isolation of Affect

Almost anyone in regular contact with the undesirable aspects of human nature may unconsciously employ the defense mechanism known as "isolation of affect." Law-enforcement certainly falls into this category of occupations. Police officers quickly learn to hide their emotions.

Any police officer assigned to the investigation of child sexual abuse should be a volunteer who has been carefully *selected* and *trained* in this highly specialized work. This kind of work is not for everyone. Each officer must decide for himself if he can deal with this type of work. Just as important, the officers working these cases must continually monitor themselves. This is "toxic" work, and each individual has a tolerance level.

Police officers investigating child sexual abuse and exploitation must also learn to cope with the stigma within law-enforcement attached to sex crime and vice investigation. Because there is so much ignorance about sex in general and deviant sexual behavior specifically, fellow officers frequently joke about sex crime and vice investigators. For officers working child sexual abuse cases, especially in medium or small departments, it is even worse. They frequently become isolated from their peer group because their fellow officers do not want to hear about child molesters and child pornography. This is a problem that supervisors as well as individual officers must recognize and deal with. One investigator wrote the author that trying to talk to his superiors about the nature and scope of this problem (sexual exploitation of children) was like trying to convince the Air Force of the existence of UFOs.

An officer who gets too emotionally involved in a case is more likely to make mistakes and errors in judgment. He may wind up losing a case and allowing a child molester to go free because he "violated his rights" in some way. He is also less likely to interview and assess a child victim objectively.

What Constitutes Sexual Activity?

Any officer who has investigated child sexual abuse cases knows this is not an easy question. Is hugging a child a sexual act? Is kissing a child a sexual act? Is appearing naked in front of a child a sexual act? The answer to these questions is that it depends on the *intent* of the individual performing these acts.

Very often the child victim is the most valuable source of information concerning intent. The victim knows or can "feel" the difference between hugging and fondling, affectionate kissing and passionate kissing, accidental nudity and indecent exposure. Proving it in court can still be difficult. Especially in incest cases, many offenders will attempt to claim such acts constitute an acceptable, and even desirable, interaction with children.

Even seemingly obvious sexual acts such as

oral-genital contact or oral-breast contact can be confusing, especially when the offender is a female. Is it a sexual act for a mother to have her six-month-old baby suck on her breasts? At what age is it unacceptable or possibly a sexual act? At two years old? At five years old?

Child molesters frequently engage in acts that are behaviorally, if not legally, sexual acts. Seemingly normal acts, such as photographing children, touching children, wrestling with children, or even looking at children, can be sexual acts for some individuals. More bizarre acts could also be considered sexual acts. In one case, an offender got sexual gratification from photographing children pretending they were dead after a make-believe game of cops and robbers. One offender admitted "molesting" sixty children but stated that the figure did not include the thousands of children he merely "touched" for sexual gratification.

Societal Attitudes

What is society's attitude toward the sexual abuse of children? Most people would probably respond that American society views child molesting as a serious, horrible crime. Even other criminals detest child molesters.

There are, however, several organizations in this country and around the world that openly voice a far different attitude about adult sex with children. The Rene Guyon Society, the North American Man-Boy Love Association (NAMBLA), the Pedophile Information Exchange (PIE), the Child Sensuality Circle, the Pedo-Alert Network (PAN), and the Lewis Carroll Collector's Guild are all examples of groups that openly advocate adult-child sex and changing the laws that make it a crime. These groups usually restrict their advocacy to "consenting" sexual activity with children, and claim to be opposed to forced sex with children.

In spite of the attention that many of these organizations have received in the past, it is doubtful that they have had any significant impact on American public opinion in general. Their greatest threat to society is as a source of support and validation for child molesters and pedophiles. These groups and the material they publish help child molesters to justify their behavior. Many pedophiles are openly proud of their behavior.

In fact, some academics, mental health professionals, and sexologists express very similar views. These so-called "experts" on human sexual behavior sometimes equate the existing laws that prohibit sex with children with laws that prohibit masturbation, fornication, and homosexuality. They advocate changing the laws so that children can choose their sexual partners freely, but under the guise of children's rights and freedom. Investigators need to be aware that these "experts" frequently testify at the trials of child molesters or child pornographers.

Also, police investigators must be prepared to deal with the fact that the identification, investigation, and prosecution of many child molesters may not be welcomed by their communities—especially if the molester is a prominent citizen. Citizens may protest, and community organizations may rally to the support of the offender and even attack the victims. City officials may apply pressure to halt or cover up the investigation.

The final frustration for the police officer often comes in the sentencing of a convicted child molester. There are serious sex offenses, such as murder, torture, and sadistic rape, that are generally dealt with severely by the criminal justice system. And there are nuisance sex offenses, such as indecent exposure and window peeping, that are generally dealt with lightly by the criminal justice system. The problem is that the nonviolent sexual abuse of children is more often dealt with as a nuisance offense. The bottom line is that society condemns child molestation in the abstract, but how it responds to individual cases depends on the particular circumstances and the molester's position in the community.

Afterword

The following remarks are excerpted from a speech given by the author at a national symposium on child molestation held by the U.S. Department of Justice on October 1-4, 1984:

I see the sexual victimization of children as involving three major areas. The first major area is what I call sexual abuse of children. This involves the sexual activity between the adult and the child victim. This can involve nonviolent sexual abuse in which the child is seduced through attention and affection, and bribed; and the cooperation of that child is gained through these seduction techniques. This sexual abuse can be violent in some cases, where the child is physically forced, through violence, to engage in sexual activity. And, certainly, a certain amount of this sexual activity involves incestuous relationships.

The second major area under the sexual victimization of children is what I call sexual exploitation of children. Certainly, sexual exploitation of children involves sexual abuse. But it also involves some other types of activity and dynamics that are not addressed simply with the phrase "sexual abuse of children."

I would include child pornography under sexual exploitation of children. And I think it is very important that you recognize and deal with this problem of child pornography. There is a great debate in our society concerning pornography in general and what harm it does and so on and so forth. This is something that needs to be looked at and is being looked at. But my opinion is that child pornography has nothing whatsoever to do with this other debate.

In child pornography, there is no debate. Child pornography is the permanent record of the sexual abuse of a child. There is only one way to make child pornography, and that is, you must sexually molest a child. It is a photograph, a slide, a picture of a crime in progress. There is no debate about it.

The other area that I look at under sexual exploitation is child sex rings. These sex rings can be commercial in nature, as many people think when they hear the words "child sex rings." However, these rings can also be noncommercial in nature, can involve an individual with a large group of children, where there is no exchange of money whatsoever.

Also, another area that is certainly part of this problem but does not totally come under the umbrella of sexual abuse or sexual victimization of children is the important issue of missing children, runaways, parental abductions, stranger abductions, and dealing with these problems.

These are the three major areas. Certainly there are interrelationships between the three different areas that need to be dealt with.

The last area about which I'd like to make a few remarks, and I think it's very important that you have an understanding in this area, has to do with societal attitudes. There are many people who believe that there is universal condemnation of sexual victimization of children. . . .

You'll find that the community does not universally condemn this problem. One of the real issues has to do with a certain societal attitude. In all the many years that I've talked to different groups about this problem, if someone were to say to me, what is the most common response you get from an audience, I would have to say in all honesty the most common response is denial: the refusal to accept it, the refusal to perceive it, the refusal to process it. This is true of police officers; this is true of mental health professionals; this is true of citizens, parent groups, and everybody else. People refuse to accept this.

As a result of this denial, two myths continue to be perpetuated. The first myth is that child molesters are dirty, old, evil men, and that only dirty, rotten, evil, vicious, horrible people commit this crime. And because this man who is accused of committing the crime is not old and evil and rotten and mean, he can't possibly have committed the crime. And this is what we hear over and over again: "It can't be true! . . I know that guy. He's a nice guy."

To that I say, "What does that have to do with whether or not he molested the child?" But that is the perception. If he's a nice guy, he didn't molest the child. . . .

And the second myth that's equally horrible and equally false is that children want or initiate this sexual activity. This myth is much more subtle in nature. You can get very few people who will openly admit that they believe this. But yet, when you see their reaction and their response to this person, you'll have to come to the realization that that's exactly what they believe, that children want and initiate this activity.

Sympathy for victims is inversely proportional to their age. The older the victim, the less we're concerned. And, so suddenly, if you have a case involving a very young, small child, there is tremendous concern. As the child gets older, sympathy and concern become less and less, and we're more likely to say, well, the kid asked for it, the kid wanted it, the kid initiated the activity. Why should we bother? Why should we consider this individual to be an offender?

In response to this issue—Did the child initiate it? Did the child cooperate?—I simply say, so what? I don't really care whether the child initiated and asked for it. What does that have to do with the issue that we're addressing? If a child asked you to jump off the top of a 12-story building, do you jump off and say, "I had to do it because the child asked me"? So whether or not the child initiates the activity, in my opinion, is irrelevant in these cases. . . .

My final point this morning is to let you know that we need to make a distinction between pedophiles and child molesters. The terms are not necessarily interchangeable and are not synonymous. A pedophile has a sexual preference for children. Although he may engage in sexual relations with adults, the preference is for children.

A child molester may or may not be a pedophile. He may be a Situational offender or a psychopath. A psychopath may be involved in all forms of antisocial behavior, including child molestation. These people operate under a philosophy I refer to as "If it feels good, do it."

This distinction between pedophiles and child molesters is especially important in terms of treatment and should be taken into account when developing treatment programs.

Considerations in Obtaining and Using Expertise Search Warrants in Cases of Preferential Child Molesters

The premise inherent in this chapter is that certain individuals in our society are (for whatever reason) attracted sexually to children. These individuals may violate the mores of our society by initiating sexual contact (of whatever variety) with a child as a partner. Not all sexual offenders prefer sexual contact with child victims. Indeed, not all child molesters prefer children as their sexual partner. For example, a convicted child rapist may have selected a child victim merely because the child was available and vulnerable.

> The Preferential Child Molesters have a definite sexual preference for children. Their sexual fantasies and erotic imagery focus on children. They have sex with children not because of some situational stress or insecurity but because they are sexually attracted to and prefer children.—Kenneth V. Lanning, *Child Molesters: A Behavioral Analysis* (Washington, D.C.: National Center for Missing and Exploited Children, 1986)

It is further the premise of this chapter that those sexual offenders who do prefer children as their primary sexual partner frequently display certain behavioral characteristics. These behavioral characteristics are displayed so frequently within this population of sexual offenders that specially trained and experienced law-enforcement officers, psychologists, psychiatrists, etc., may be able to predict, with some certainty, the existence (and possibly the location) of certain kinds of evidence based on a full and complete understanding of these behavioral patterns.

For example, just as specially trained and experienced narcotics investigators may be able to predict that a known dealer in narcotics is likely to possess narcotics paraphernalia, packaging material, cutting agents, etc., experts in child molestation investigating a case of a sexual offender whose preferred sexual partners are children may be allowed to predict that this sexual offender may possess and use child pornography in order to seduce the child selected as his (or her) next target. The child molestation expert may further be able to predict that this offender will have taken (and kept or secreted) pictures of his past (and present) sexual partners. These photographs may include several of the children engaged in sexual activity that the molester will use either to blackmail the child into continued silence about the molestation, to arouse the molester, to arouse the child, or to lower the inhibitions of other potential child sexual partners by showing them that other children participate in this kind of activity.

By applying expert knowledge and experience to the facts of a case under investigation, the investigator should be able to increase the scope of an investi-

gation, focus on additional questions to ask the known child victims, and target additional items of evidence for further investigation and consideration. If the investigator knows that child molesters who prefer child sexual partners frequently molest many children, the investigator may then consider the need to talk to other children who may also have been victimized by this offender. If the investigator learns that preferential child molesters frequently utilize computer equipment to store information about their sexual relationships with children or to communicate with other preferential child molesters via a "computer bulletin board," the investigator may want to expand the scope of his or her investigation to include possession and use of computer hardware and software by the suspect.

Search warrants are a significantly underutilized investigational tool in child sex crime investigation. The officer should be alert for ways in which to broaden the scope of the investigation in many ways and should consider the possibility of pursuing evidence from a search warrant (traditional or expertise) or an otherwise authorized search in every case.

It is not within the scope of this chapter to conduct a full analysis of the variety of sexual offenders or paraphilias that have been identified, analyzed, and classified in the psychological literature. It is further not within the scope of this chapter to reprint a full behavioral analysis of child molesters. (Additional readings are listed in the back of this chapter.) It is, however, important to begin this chapter with an understanding of the limited nature of the so-called "pedophile search warrant."

Sexual offenders who are not child molesters are not likely to fit this behavioral pattern. Indeed, child molesters who do not prefer children as sexual partners are not likely to fit this behavioral pattern. Application for issuance of "pedophile search warrants" in cases in which the suspect does not prefer children as the primary sexual partner may result in the investigator finding few of the described items. A magistrate who is asked to issue many search warrants that ultimately prove to be unproductive may begin to question either the affiant's expertise or (worse) the validity of the entire behavioral analysis.

Therefore, caution is urged in the use of the expertise warrant. Do enough investigation to establish that the suspect is a preferential child molester. Further, corroborate the predictions in the behavioral profile with facts garnered in your investigation of the particular suspect.

Also, be careful in your selection of an expert affiant. Your expert must have sufficient expertise to be able to make valid judgments about whether or not your suspect is indeed a preferential child molester and what behaviors (and therefore evidence) one can predict a preferential child molester to possess. Attaching a copy of a behavioral analysis of child molesters to a copy of your affidavit containing case facts is not recommended because the expert has not considered the facts of your particular case and determined that your suspect is likely to be a preferential child molester. (Providing your magistrate with additional educational materials on the general subject is permissible, however, if acceptable to your magistrate.)

Some additional cautions may be necessary. The terms *pedophile* and *pedophilia* are psychological or psychiatric diagnostic terms with specific meanings within those professions. For example, some psychological or psychiatric professionals differentiate between *pedophiles* (those who prefer pre-pubertal children) from *hebephiles* (those who prefer post-pubertal children). Although it has

become common in police jargon to refer to both of these offenders generally as pedophiles, use of professional diagnostic terminology in legal proceedings has resulted in challenges to the expertise of the investigator. Accordingly, it is recommended that law-enforcement officers avoid the use of such loaded psychiatric terminology.

The materials contained in this chapter are not intended to be duplicated and used as a fill-in-the-blank model warrant. They are intended to be a guide and a discussion of the legal considerations involved in the use of these warrants in appropriate cases. In addition, they may provide suggestions for items to include in an application for a warrant if justified by the facts of a particular case. **Boilerplate clauses are likely to be invalidated.**

> But nowhere in all these 24 pages was there alleged *one single fact* that gave probable cause to believe that any of the boilerplate allegations of the warrant were true. In particular, the affidavit failed to state any fact whatever to support an inference that defendant actually possessed the "personal diary notations" or "writings" listed in clauses two and eight of the warrant. . . .
> —*Peo.* v. *Frank*, 38 Cal.3d 711, 728 (1985)
> (Death penalty sentence reversed.)

The officer should also take into account when reading this chapter that these materials were drafted with a national audience in mind. The laws and rules listed herein are reflective of the general state of the law nationally. As each state and local jurisdiction will have variations, the warrant and affidavit must be crafted to withstand challenge in the jurisdiction in which it is sought. **Consult your local legal counsel concerning the special requirements of your local jurisdictions.**

Finally, the officer should keep in mind that EXPERTISE WARRANTS HAVE YET TO UNDERGO SHARP CHALLENGE IN THE APPELLATE COURTS. Accordingly, investigating officers should continue to use caution in obtaining and using these kinds of warrants.

Guide to Drafting an Expertise Search Warrant and Affidavit

Although this kind of search warrant has rarely faced sharp challenge in the appellate courts as yet, potentially one of the most fruitful areas of challenge may be the sufficiency of expertise on the part of the affiant. Thus, it is recommended that the investigator who cannot qualify as an expert seek out and cultivate others in the community who do have sufficient expertise. If, due to distance or other factors, the affiant cannot submit an individual sworn affidavit, the expert's opinion may be presented as hearsay in the investigating officer's affidavit. Be sure to comply with all requirements for hearsay warrants if you choose this option.

AFFIDAVIT(S)

A. Introduce and establish expertise of affiant.

1. Name the affiant, state his or her position, title, and the number of years the affiant has been active in his or her field.
2. State the general educational background of the affiant (including degrees obtained, what institutions awarded the degrees, and when the degrees were awarded) and/or general police academy training.

3. List all special training and education of affiant pertaining to the investigation of sexual offenses (or the diagnosis and treatment of sexual offenders). This should include all special academy or other follow-up police training courses (by name of course and number of hours). If special educational courses have been attended (and completed) by affiant, these should also be listed (including sponsoring educational institution, name of course, dates attended, identity of instructors, and degrees awarded, if any). If affiant has attended any specialized training conferences, include similar information about these conferences. **In your description, focus special attention on special training or education in the area of child molestation or preferential child molestation cases.**
4. List all relevant professional societies to which your affiant belongs.
5. List all honors/awards/special certificates received or earned by your expert affiant. **Direct the magistrate's attention to any that were awarded or earned for achievement in the area of child sexual offenses—especially those involving preferential child molesters.**
6. Describe the expert affiant's experience. **Focus especially on the affiant's experience with cases involving preferential child molesters.** In the description, include the number of years the affiant has worked in this field, how many cases the affiant has handled involving preferential child molesters, and in what capacity the affiant participated (*e.g.*, trainee, investigator/therapist/supervisor, etc.).
7. If your affiant has previously qualified as an expert witness in cases of this nature, describe those cases, including the number of times, the nature of the court or the court pro-

Do not be modest in describing the expertise of your expert affiant. If you do not supply enough facts to the magistrate *in the affidavit* to establish your affiant as an expert, a later challenge may invalidate the warrant.

In the event that your expert affiant has testified for the prosecution and for the defense as an expert witness, mention this fact, as it helps to establish the impartiality of the affiant.

ceedings, and whether or not convictions were ultimately obtained. **If your expert affiant has testified for both the prosecution and the defense in criminal cases, mention this fact.**

8. If your expert affiant has experience in teaching or has served as consultant for another department, agency, or educational institution in matters pertaining to preferential child molestation, mention these facts. Also describe any professional articles or books written by the affiant.
9. *Miscellaneous:* If your expert has any other qualifications relative to his or her expertise in recognizing and predicting the behavior of the preferential child molester, add them to the affidavit as well. You may want to add the number of times the affiant has interviewed a child victim of this kind of offense and/or the number of times the affiant has interviewed admitted molesters.
10. In many cases, it will be necessary to establish your expertise in such diverse areas as **photography, computer hardware and software, videotape technology, visual identification of age of a child from a photograph of a child, child pornography or child prostitution, child sex rings, or multiple victim/multiple offender case investigations.** In the event that the facts of the case under investigation require that an expert have reviewed the evidence uncovered by the investigation and rendered an expert opinion on some aspect of the evidence, follow the above format (education, experience, special recognition of expertise, such as honors and awards, qualification as an expert witness on other occasions, etc.).

Professors from local colleges or universities may be useful resources for expertise in these areas. You might want to consider asking a reputable pediatrician or family doctor for assistance in providing the magistrate with an expert opinion that the child pictured in the photograph is indeed a child. You may find a willing expert by contacting your local children's hospital. In general, the older the child pictured in the photograph, the greater the need for specialized expertise in the area of recognizing the age of the child through medical developmental characteristics. In cases of young children, the courts have been more willing to accept the opinion of a layman.

In the event the suspect has stored evidence in a computer memory bank, you will undoubtedly need the assistance of a computer expert. Many programs allow a security code to be installed that will block access to a particular file unless the correct access code is given to the computer. Some of these programs also provide for the destruction of the information stored in the file unless the correct access code is used. Accordingly, you may need to have available someone who can break the code.

Also consider cultivating the services of a computer consultant to assist you in accessing "computer bulletin boards" used by preferential child molesters to communicate with each other and to share information about child sexual partners. You may be able to obtain highly probative evidence concerning the suspect's sexual activities if your suspect uses such a bulletin board.

B. Recount the facts uncovered by the investigation to date, apply your (collective) expertise to interpreting the facts, and thus establish probable cause to search.

Probable cause is usually defined as reasonably trustworthy information concerning such facts and circumstances as would warrant a man of reasonable caution in the belief that an offense has been or is being committed or that evidence of a crime can be found in a particular location—*Brinegar* v. *United States* 338 U.S. 160 (1949).

The section of the affidavit establishing probable cause will vary dramatically from case to case, depending on the facts uncovered by the investigation undertaken to date. Certain basic rules will apply, however. In the event that the investigation was initiated by a report of a specific child having been sexually molested, keep in mind that the way in which you receive the information may be key to the formation of the probable cause portion of the affidavit. In the event that the police or, more commonly, the children's protective services agency receive an anonymous tip concerning the crime, you may have to establish both the basis of the informant's knowledge (*i.e.*, personal knowledge) *and* that the informant is reliable—*Aguilar* v. *Texas*, 378 U.S. 108 (1964)—or that the information contained in the tip has been corroborated in some other approved manner—*Spinelli* v. *United States*, 393 U.S. 410 (1969). **Consult your local legal counsel concerning the impact of *Illinois* v. *Gates*, 462 U.S. 213 (1983) on the quantum and source of the corroboration that must be produced.**

In the event that the investigation began with a child having reported that he or she was molested by the suspect, the letter of the law imposes no obligation to corroborate the crime report of presumptively reliable citizen crime victims. It would be naive to suggest, however,

that the courts view the report of a child sex crime victim as presumptively reliable. Therefore, the wisest course is to seek corroborating evidence and to present information concerning any and all such evidence to the magistrate in the affidavit.

In cases of child sexual molestation, the investigator should consider and evaluate (and consult with appropriate experts) whether the suspect in the individual case displays behavior consistent with that commonly displayed by preferential child molesters. Did the suspect allegedly seduce the child victim? Or did the suspect kidnap and rape the child? Did the suspect spend time, attention, perhaps even money, on the child? Did the suspect show the child pictures of other children or adults engaged in sexual activities or sexually arousing poses in order to lower the child's inhibitions, arouse the child, or arouse the offender? Were other types of erotica used or displayed to this child for similar purposes? Has the suspect indulged in similar behavior with other children?

Look for evidence of other types of preferential child molester behavior in your initial investigation as well. This will serve the dual purpose of providing information upon which your expert can base an opinion, and it will serve as an additional basis to (reasonably) believe that a search of premises controlled by the suspect will result in the discovery of evidence of the suspect's commission of this crime. Such evidence might include:

- correspondence with other persons interested in sexual behavior with children
- diaries or other records of child sexual partners, including names, dates, and types of sexual activity
- phone or address books in which the suspect records the name, address, or

phone number of child sexual partner(s)

- child or adult pornography
- photographs, movies, slides, videotapes, or drawings of children or adults engaged in sexual activity or sexually suggestive poses
- camera equipment with which the suspect has taken photos of the child victim or other children engaged in sexual activity or in sexually suggestive poses
- sexual paraphernalia or other erotica used by the suspect in the course of seducing the child victim or other children of which the investigator gains knowledge
- computer hardware and software (and computer skills) used by the suspect in storing personal records and information concerning personal business transactions
- information concerning any safe deposit boxes, storage facilities, etc., used by the suspect for storage of records or personal belongings

Once the evidence is gathered, then the expert must interpret the facts. The facts discovered by the investigation combined with the opinion of the expert affiant concerning the import of these facts are combined in the affidavit to demonstrate that there is probable cause to believe that not only are certain items observed by the named witnesses likely to be found in premises controlled by the suspect, but also that the suspect is likely to exhibit other behaviors common to those who prefer children as their sexual partner. Thus, there is also probable cause to believe that evidence of these behaviors will also be found in premises controlled by the suspect—evidence that will be relevant to identify other known (but not as yet identified) child molestation victims, the age and gender preference of the suspect, and that will assist in the corrobor-

The assessment of probable cause depends on the totality of the circumstances, including considerations of modes or patterns of operation of certain kinds of lawbreakers. From this information a trained and experienced officer draws inferences and makes deductions—inferences and deductions that might well elude an untrained person—*United States* v. *Cortez*, 449 U.S. 441 (1981).

Although the magistrate is entitled to consider the opinions of experts concerning special modes or patterns of operation of certain kinds of lawbreakers in determining whether probable cause exists to justify issuance of search warrants, reviewing courts have not viewed reliance on a behavioral profile (without more) with overwhelming enthusiasm.

Although few cases of challenges to search warrants have yet been reported by the appellate courts in cases wherein probable cause was determined in partial reliance on a child molester behavioral profile, cases of searches initiated in reliance on the drug courier profile are analogous. In general, the courts, in considering drug courier profile cases, have held that the fact that an individual matches the profile, standing alone, does not justify law-enforcement intervention (stop/seizure/search). The profile is entitled to some consideration in establishing a pattern of operation among drug traffickers. Articulable facts discovered during

the course of an investigation may then be interpreted in light of the profile to establish probable cause—*Florida* v. *Royer*, 460 U.S. 491 (1983); *United States* v. *Mendenhall*, 446 U.S. 544 (1980); *Reid* v. *Georgia*, 448 U.S. 438 (1980).

It is therefore highly recommended that the officer not rely entirely on the behavioral profile to establish probable cause to believe that the suspect in a particular case will keep a diary, a collection of child pornography, an address book containing information concerning child victims, or any of the other behaviors indicated in the profile. The investigation should establish facts to indicate that this particular suspect indulges in at least some of these behaviors.

A request to search for and seize pornography, including child pornography, may include special First Amendment considerations. Although *New York* v. *Ferber* 458 U.S. 747 (1982) allows the states to constitutionally prohibit the production and distribution of material that depicts children in sexual activity even when the material is not obscene, questions still remain concerning to what extent officers executing a search warrant are authorized to search for or seize child and adult pornography.

The officer should be aware that there are differences that have legal consequences between child pornography and child erotica. *Child pornography* has been defined by Lanning (see above) as "the sexually explicit reproduction of a child's image, voice, or handwriting—including sexually explicit photographs, negatives, slides, magazines, movies, videotapes, audiotapes, and handwritten notes. . . . *Child erotica* is a broader and more encompassing term than child pornography. It can be defined as any material, relating to children, that serves a sexual purpose for a given individual. Some of the more common types of child erotica include toys, games, drawings, fantasy writings, diaries, souvenirs, sexual aids, manuals, letters, books about children, psychological books on pedophilia, and ordinary photographs of children. Generally, possession and distribution of these items does not constitute a violation of the law."

Depending on the circumstances of the case under investigation, some or all of these materials may be evidence in a child molestation case. In some cases, adult pornography may be used by the offender in seducing children, and the investigation may have uncovered evidence to the effect. Although this material may not be contraband (depending on the terms of the state child pornography statutes), this material may be evidence or an instrumentality of a crime. Thus, search and/or seizure should be permissible for evidence of this nature regardless of its characterization. **Applicable First Amendment requirements must be scrupulously observed, however.**

Special limitations will pertain to the extent to which officers can search for and seize adult pornography. Other considerations may limit the extent to which an officer can rummage through a suspect's entire pornography collection in order to pick out the child pornography. Officers should be aware of another potential trouble spot—the extent to which they can seize movies, videotapes, and otherwise undeveloped film in the event that the content of the material cannot be ascertained without displaying it on projection equipment. Some jurisdictions may permit the officer to view it on the scene with the suspect's own equipment in order to ascertain its content. Other jurisdictions may

ation of the modus operandi of the suspect.

Although the opinions of the experts will vary concerning what can legitimately be concluded about common behaviors and activities of preferential child molesters, affidavits filed in court proceedings to date have contained such statements as:

As a result of the expert's training and experience, the affiant has learned that preferential child molesters commonly

- receive sexual gratification and satisfaction from actual, physical contact with children and from fantasy that may be stimulated by viewing children engaged in sexual activity or in sexually suggestive poses (in person, in photographs, in drawings, or other visual media) or from literature describing such activity.
- collect sexually explicit or suggestive materials (whether of adults or children) consisting of photographs, magazines, motion pictures, videotapes, books, slides, and/or drawings or other visual media that they use for their own sexual arousal and gratification. Further, they commonly use this type of sexually explicit material to lower the inhibitions of the children they are attempting to seduce, to arouse the selected child partner, and to demonstrate the desired sexual acts.

require that these materials (or premises) be secured and a second search warrant be obtained.

Because some of this kind of evidence may be encompassed within First Amendment protections, and because the officer may have to inspect innocuous materials in order to ascertain what materials are properly subject to seizure, the warrant must be exceedingly particular in its descriptions of property subject to search and/or seizure. Consult local legal counsel concerning applicable limitations.

In addition, ensure that a strong nexus is shown between criminal activity and any request for authority to search for or seize pornography and erotica —whether of adults or children.

Also check with local legal counsel concerning the extent to which the plain view and good faith exceptions to the warrant requirement can apply to the search or seizure of materials protected by the First Amendment.

In the event that the magistrate will not authorize search or seizure of this kind of property, you might consider taking photographs of that material which is in plain view in order to preserve evidence of its existence and nature.

Include information of this nature to defeat any claim of staleness that may arise from dated information concerning evidence that a suspect has or maintains a collection of one or more of the kinds of materials discussed in this chapter—*Peo.* v. *Hernandez* 225 Cal. Rptr. 230 (1986).

- rarely dispose of their collection of sexually explicit material—especially if it is used by them in the process of seducing children.

It is essential when describing classes of evidence—especially documentary evidence—that the description be particular concerning what documents can be seized. The Fourth Amendment is designed to prohibit general searches. It requires that the officers be authorized by the magistrate to search for particular items of evidence. Once those items have been located by the officers executing the warrant, and all items of evidence, instrumentalities, contraband, etc., that are in plain view have been seized, then the search is to conclude.

The requirement of particularity is designed to direct the officers to the correct location and to limit the scope of the search. Thus, the courts have overturned searches that authorized seizure of "business records which are instrumentalities of tax evasion," *United States* v. *Cardwell*, 80 F.2d 75 (9th Cir. 1982), or "evidence of mail fraud," *United States* v. *Abrams*, 539 F.Supp. 378 (S.D.N.Y. 1982).

No court has yet imposed a requirement that search warrants may only be issued for specifically named items. See recommendations contained in Russell W. Galloway, "Fourth Amendment Ban on General Searches and Seizures," in *Search and Seizure Law Report*, Vol. 10, No. 6 (July 1983). Many courts, however, are now closely scrutinizing the particularity of the description when a request for authorization to search and seize entire classes of evidence is presented. Officers should pay particular attention to *Peo.* v. *Frank*, *supra*, and consult with local legal counsel concerning the requirements of the local jurisdiction.

- correspond with other preferential child molesters to share information and identities of their child victims as a means of gaining status, trust, acceptance, and/or psychological support.
- prefer contact with children of a particular gender or age range.
- obtain, collect, and retain photographs of the children with whom they are or have been involved. These photographs may depict the child in sexually explicit activity or may depict the child engaged in innocuous activity. If the child is a particular favorite, the photograph may be carried by the suspect on his or her person (such as in a wallet).

  Photos of children with whom such an individual has been involved are commonly used as a means of reliving the sexual encounters with the child or fantasies of such sexual encounters. They may be keepsakes from a loved one. Or they may be a means of gaining

status, trust, acceptance, or support from others who share a similar sexual preference. In the event that the photos depict children engaged in sexual activity, they are frequently used to blackmail the child into continued sexual activity or into keeping the molestation a secret. These photographs are extremely important to such individuals and are likely to remain in the possession of or under the control of such an individual for extensive time periods, perhaps for a lifetime.

- frequently cut pictures of children out of magazines, newspapers, books, or other types of publications. They also frequently create new pictures by cutting and pasting pieces of different pictures together. Often these cutouts will be assembled into an album or a collection of some sort. These collections or individual cutouts can be useful in determining the age and gender preference of the suspect.
- collect or maintain collections of books, magazines, newspapers, or other writings concerning sexual activities of and with children. This kind of publication can be part of the individual's seduction modus operandi, a means to understand their sexual attraction to children, and a way of justifying or countenancing their sexual attraction toward children.
- use sexual aids or sexual toys, such as dildos, vibrators, etc. These items are commonly used to arouse the curiosity of the selected child sexual partner as well as to sexually arouse the child and the adult.
- own and operate photographic production and reproduction equipment. Such individuals are commonly fearful that commercial photo developers may report them to law-enforcement authorities, and so they produce (and reproduce) their own materials.

When seeking authority to search and seize items that do not plainly appear to be evidence of the crime under investigation or an instrumentality of that crime, ensure that the nexus between the items sought and the criminal behavior is clear. For example, when seeking authorization to seize sexual aids, sexual toys, or any kind of erotica or pornography (child or adult), ensure that you have established probable cause to believe that the suspect uses such items as part of the modus operandi of the seduction of child victims or otherwise establish a strong nexus.

When seeking authority to search for and seize items such as photographic production and reproduction equipment or computer hardware/software, ensure that you have established probable cause to believe that these (otherwise innocuous) items are instrumentalities of the specific crimes alleged. A general seizure of such items may invalidate the warrant or portions thereof. Absent a forfeiture clause or plain view observation connecting such items with other identifiable crimes (occurring in your jurisdiction), officers will not be entitled to seize such innocuous items.

In at least one jurisdiction, courts have allowed the expert to accompany the officers executing the warrant so that the expert can examine the equipment and determine, on site, whether the equipment was used in the commission of the crime—*Peo. v. Superior Court (Moore)*, 163 Cal. Rptr. 906 (1980). In that jurisdiction, however, the statutes expressly authorized such expert consultation. *See also Forro Precision, Inc. v. IBM*, 673 F.2d 1045 (9th Cir. 1982) holding that IBM employees who served as expert consultants to the execution of a search warrant were immune from civil liability.

Searches for information on computer disks pose special problems—in addition to the ones already described herein. Yet they also reflect the state of the art in data collection and retention. Officers cannot afford to ignore the possibility that the suspect is using a computer for storage of this kind of information.

Officers not familiar with the use of this equipment should be aware that if the computer is on or in use at the time entry is effected, unplugging the computer or even turning it off without first "saving" the data into the computer's memory banks may result in the complete loss of all data. Accordingly, you must "save" the data first; also, be sure to copy all disks before trying to access the information. It is recommended that the officer take along someone who can do this. Unless you are an expert, do not try this yourself.

Of more importance, however, in obtaining information from a search of the suspect's computer files is the inability of the officer to recognize which disks contain the evidence and which do not. Of course, in the unlikely event that the suspect has labeled the file "Children I Have Known and Loved," the task will be easy. In other cases, however, the officer or consultant will need to review all of the disks to determine which of them contain relevant evidence. It is recommended that the magistrate authorize this process in advance, and so you should ask for authority to do this in the warrant and justify the request in the affidavit.

Since the Fourth Amendment requires the officer to specify with particularity the documents (or disks) that contain evidence so that the magistrate can limit, in advance, the documents that will be examined and seized by the officers executing the warrant, this area will undoubtedly be fruitful for appellate challenge. Regularly check local legal counsel for new limitations on search and seizure of computer memory banks. *See also* Gerald F. Uehlmen and David C. Tunick, "Computer Searches and Seizures," in *Search and Seizure Law Reports*, Vol.10, No.9 (October 1983).

- are very concerned with the security of their collections of photographs, child pornography, erotica, and other illicit materials or information about specific child victims or sexual activity with children. Accordingly, they commonly rent safe deposit boxes or storage facilities outside of their immediate residence.
- keep the names, addresses, phone numbers, or other identifying information of the children with whom they have been sexually involved. This information may be maintained in a list, a phone book, an address book, on accumulated scraps of paper, or in a computer memory disk.
- often keep a diary containing records of their sexual activities with children. These diaries may be kept in a formal diary book, a notebook, an audiocassette, on accumulated scraps of paper, or in a computer memory disk.
- commonly use drugs or alcohol as a means of seduction, to reduce the child's inhibitions, or to heighten sexual arousal.

A few last thoughts are in order. In the event that you are unable to obtain an expertise search warrant to increase the scope of a search based on behavioral characteristics of preferential child molesters generally—or in the event that the case involves another type of child sexual offender entirely—use the research concerning the behavioral characteristics of child molesters to expand the scope of the investigation.

Consider that the suspect may have molested other children and begin trying to identify other child victims who may give you more insight into the suspect's modus operandi. Consider developing evidence from other sources that the suspect uses child pornography or takes pictures of children in sexually suggestive or sexually explicit poses. This informa-

tion may provide probable cause for issuance of a warrant to look for these items. The more the investigator knows about the crime and the criminal, the more avenues are open to exploration for evidence of these most difficult of cases.

Remember to consider the application of traditional probable cause requirements for the issuance of a traditional search warrant. If the investigation has produced sufficient probable cause to justify the issuance of a traditional search warrant, it may not be necessary to pursue the particulars of an expertise warrant.

Also, do not forget the uses of a consent search. All of the traditional pros and cons of attempting to obtain a consent search apply to the search of premises controlled by a preferential child molester.

When conducting a search, it may be advisable to photograph the search. This visually preserves the site of the search, the location of items discovered, and demonstrates what was and was not "in plain view." One authority particularly recommends photographing any display of frequently used telephone numbers posted by a phone, as the suspect may have the telephone numbers of child victims posted. Another authority recommends that officers conducting a search videotape their search of the premises (without sound). It may also be vital to keep accurate records concerning where the items were found and their chain of custody.

It may be helpful to attach examples of the kinds of evidence the investigation has so far uncovered. This may be of some assistance to the magistrate in evaluating probable cause. This is particularly true in cases in which the affidavit alleges that a child is pictured in sexually explicit or suggestive poses. **In the event that the officer uses attachments, however, check with local legal counsel concerning requirements that the attachments be incorporated into the affidavit or warrant by reference.** Also, in the event that photographs of children

engaged in sexually suggestive or sexually explicit activity will be attached (and incorporated), explore the option of sealing those materials. Since applications for search warrants become public record, sealing the photographs may avoid unduly embarrassing child victims.

Finally, consider obtaining a warrant (whether it is based on traditional means of establishing probable cause or it is an expertise warrant) even when the case is a strong one. Remember that in order for the judge to pronounce a reasonable sentence, the judge must learn the full extent of the offender's conduct.

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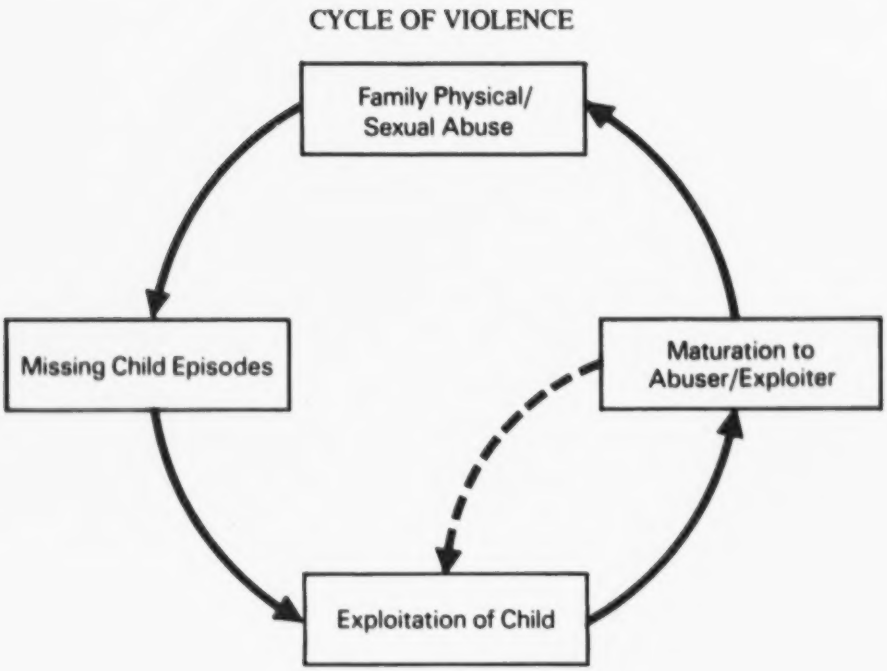
Note: Several of these books are useful for the law-enforcement investigator interested in examining the attitudes of those advocating sexual relations with children.

Appendix


CYCLE OF VIOLENCE
Family Physical/
Sexual Abuse
Missing Child Episodes
Maturation to
Abuser/Exploiter
Exploitation of Child

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Appendix

Sexual Victimization of Children

I *Sexually Abused Children*	II *Sexually Exploited Children*	III *Missing Children*
A. Victims 1. Extent and effect (a) girls/boys (b) age 2. Indicators 3. Investigative difficulties **B. Victim/Offender** 1. Relationship (a) stranger (b) relative (c) acquaintance 2. Violence 3. Seduction process **C. Offenders** 1. Situational (a) regressed (b) morally indiscriminate (c) sexually indiscriminate (d) inadequate 2. Preferential (pedophile) (a) seduction (b) introvert (c) sadistic	**A. Pornography** 1. Commercial/homemade 2. Technical/simulated 3. Child erotica (a) evaluation 4. Collection (a) fantasy (b) validation (c) souvenir **B. Sex Rings** 1. Ongoing access 2. Offender-victim bond 3. Types (a) solo (b) transition (c) syndicated **C. Prostitution** 1. Runaways 2. Gender and age 3. Life span 4. Customers (a) situational (b) preferential	**A. Runaways (homeless)** 1. Thrown away/lured away 2. From abuse (sexual?) 3. To exploitation (sexual?) **B. Lost/Injured** **C. Parental Abduction** 1. Mother/father(?) 2. Good/bad parent (?) 3. UFAP **D. Abduction** 1. Emotionally disturbed 2. Profit 3. Ransom 4. Sexual (a) keep (b) return (c) discard (d) kill 5. Child killer (a) organized (b) disorganized (c) parent

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

Parental guidelines in case your child might someday be the victim of sexual abuse or exploitation

Protect Our Children

The following instructions provide information for the family and the school about what to do if a child indicates that he or she has been the victim of sexual abuse or exploitation. They are calm, straightforward instructions that will not alarm or frighten your child. We want families and children to be careful . . . we do not want them to be afraid.

There is always a chance that a child may disclose past acts of exploitation or general feelings of fear. If this happens, we want you to be prepared to help the child. How you react to a child's disclosure of sexual exploitation or fear is a very important part of child protection. Follow the guidelines below if a child indicates that he or she may have been the victim of sexual abuse or exploitation.

Don't

. . . panic or overreact to the information disclosed by the child. With your help and support, you will both make it through these difficult times.

. . . criticize the child. The worst thing you can do is to express anger at the child having violated previous instructions. Outbursts such as "I told you not to go into anyone's home!" will only hurt your ability to help.

Do

- Respect the child's privacy. Accompany the child to a private place where he or she can relate the story. Be careful not to discuss the incidents in front of people who do not need to know what happened.
- Support the child and the decision to tell the story. It is normal for children to fear telling others — especially parents. Make it clear that telling you what happened was the right thing to do and that you will protect the child from future harm. Remember, often a child molester or exploiter will tell the child that bad things will happen if the child ever tells anyone what has happened. The child is especially fearful of punishment, panic, or the loss of the parents' love.
- Show physical affection, and express your love and confidence with words and gestures. Avoid challenges starting with *why*, such as "Why didn't you tell me this before?" or "Why did you let it happen?" Give positive messages, such as "I'm proud of you for telling me this," "I'm glad it wasn't worse," or "I know you couldn't help it."
- Explain to the child that he or she has done no wrong. The child may well have feelings of guilt and responsibility and assume that he or she is to blame for what happened. Most children are enticed or tricked into acts of exploitation, and they think they should have been smarter or stronger.
- Remember that children seldom lie about acts of sexual exploitation. It is important that the child feel that you believe what he or she has told you.
- Keep open the lines of communication with the child. In the future, it will be vitally important that the child believe that you are sympathetic, understanding, supportive, and optimistic so that he or she will be comfortable in making additional disclosures and in discussing feelings.

Steps to Take

1. If you think the child has been physically injured, seek out appropriate medical attention. Remember, often we do not realize that a child who has been sexually exploited is also physically injured. Do not guess. Let the professionals make an independent judgment about treatment.
2. You must alert the child protection, youth services, child abuse, or other appropriate social services organizations. The police, sheriff's office, or other law-enforcement agency must also be notified.
3. Consider the need for counseling or therapy for the child. To ignore the incident, to "sweep it under the rug," to act as if it did not happen is not going to help the child deal with the exploitation. In deciding what counselors to use, look for someone who is experienced in cases of sexual victimization. Ask about the number of children they have counseled.

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Additional Reading

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